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A GOVERNMENT TEXT-BOOK

FOR IOWA SCHOOLS.



BY JESSE MACY, A. M.



GOVERNMENT TEXT-BOOK

—FOR—

IOWA SCHOOLS.



BY JESSE MACY, A. M.,

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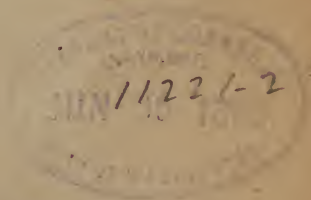


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PREFACE.

Four years ago, in response to a request of some of the county superintendents of the state, a pamphlet on Civil Government in Iowa, was prepared, the object of which was to assist teachers in giving oral instruction on local government in the state. Several thousand copies of the pamphlet have gone into the hands of the teachers of the state. Teachers have given oral instruction on local government; some have had marked success in carrying out the line of instruction indicated. But from the time the pamphlet was published the author has been met by the objection, coming from the best educators in all parts of the state, that the plan of instruction requires more than the average teacher can be expected to do. It is not to be expected that the teacher can have a Code of the state at hand all the time and use it with ease and efficiency. There is need of a book containing more information, which may be used by both teacher and pupil.

In response to this demand the following Text-Book has been prepared. The author is still of the opinion that the best teaching in civil government may be done by those who learn directly from the actual government about them, the lessons which they teach. No text-book can be made which can serve as a substitute for this direct observation and study. Wise teachers will illustrate the text by examples and incidents drawn from actual observations. They will encourage their pupils to observe for themselves the business and the methods of local governments about them. A text-book may be of great value if used simply to furnish texts for original study and observation.

When Edward A. Freeman, England's great historian, visited America, he desired above all things to attend a New England town meeting. In his opinion, the township is more important in the government and history of America than is the Congress of the United States and the Departments at Washington. Advanced scholarship

is giving more attention to local government. The Federal Government is never understood by one who is not familiar with the government of a state. To attempt to give a knowledge of the Federal Government to one who is ignorant of the local government of a state, is to attempt an impossibility. In such an attempt more error than truth is likely to be taught. But both State and Federal Government are easily understood when the facts are presented in their true historical order.

This first edition is issued in pamphlet form for trial in the hands of teachers. The author earnestly solicits suggestions, corrections, and criticisms from the teachers of the state. Should it be found helpful, the book will be put into a more permanent and convenient form.

IOWA COLLEGE, May, 1885.

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CHAPTER I.

ORIGIN OF GOVERNMENT IN ENGLAND AND AMERICA.

The people of Iowa are subject to five governments. These are the school district, the civil township, the county, the state, and the United States. Those who live in an incorporated town or city are subject to an additional government of town or city. These governments are all closely connected with each other, yet they all have separate and independent functions. The last of these six governments to be organized was the school district. The work of educating the people has been recently assumed by the state; the school district was organized to do this work. The oldest of these governments is the township.

We get our town, township, and county governments from England. Two thousand years ago our English ancestors lived in northern Germany and Denmark. They dwelt in villages. A few families and kinsfolk built their houses near a spring or a stream of water. Around the houses they arranged a hedge, which they called a *tun*. The surrounding country was arranged in fields and was called a *tun-scipe* or township. In the earliest times a large part of the government was confined to the township. The free townsmen were accustomed to assemble in town meeting and attend to all affairs of common interest.

In time of danger the townsmen in the German village were called together by their head man, tithingman or town reeve, and they went forth to repel the enemy or to unite with other villagers to form a larger force. Neighboring towns were accustomed to unite and make up a company of a hundred warriors. These chose a head man and stood together in the fight. If the war was extended the hundred united with other hundreds, made up in like manner, and thus formed an army or host. A leader of the host served during the war, and at the close of the war all returned to the villages out of which they had come.

The hundred warriors of our ancestors formed not merely a company in the army, they formed a government as well. The town-meeting of the township attended to their own local affairs; but cases affecting persons from other towns, and cases too difficult to be settled in the little town-meeting were carried to the general meeting of the *hundred*. At first it is likely that all the freemen of the towns had a right to attend and take part in the meetings of the *hundred*. But in course of time the hundred meeting, or the *hundred court*, as it was called, came to be a representative body. To it came twelve chosen men from the *hundred* at large and four best men and the reeve from each township.

In 449 A. D. the English people began to move from Denmark and northern Germany and to settle in England. They waged a fierce war with the Britons. Gradually the Britons were driven to the west and their lands occupied by Englishmen. This was a long and tedious process; it took hundreds of years to subdue the Britons. In course of time however the eastern part of the island became England, and the Britons were driven into what we now call Wales.

To the new country the English brought their old customs. Upon the banks of English rivers there appeared the little group of houses surrounded by the hedge, or tun, around which was the township. Neighboring towns sent their representatives to the hundred court as of old. These centuries of war against the Britons caused changes in the government. In the old country they had no kings; they were governed for the most part by town meetings and hundred courts. In time of war a leader for the occasion was named. In the new country wars were more common; the leader of the army became a permanent officer. In course of time he became a king.

The Britons were not displaced by one army of Germans, or Englishmen; different armies from different German tribes came at different times during these centuries of conquest. Many small kingdoms were formed in the island. These English kings did not rule with absolute power. The local governments of township and hundred remained. The king's government attended to matters of war and peace and a few other things of general interest. In the exercise of these powers the king did not act alone; he could do nothing except through the co-operation of his people. A popular assembly surrounded the king and determined his action.

So soon as the English kings were freed from the danger of being overcome by Britons they began to contend with each other for supremacy. This again led to centuries of war. In course of time all weaker kings were overcome and England was united under one

English king. The former petty kingdoms then became parts, or shares, of a larger kingdom. These shares, or *shires*, as they were called, became permanent divisions of the Kingdom of England. We should not get the impression that the fifty shires, or counties, of England were all of them at one time petty kingdoms. The oldest of these were once kingdoms; others had a different origin.

The county government had its origin at a time when the petty English kings ruled through a popular assembly; the petty king was crushed out by a more powerful king and the popular assembly remained as a local county government. Instead of the king who was formerly the president of the assembly we have now the *shire reeve*, *sheriff*; sometimes appointed by the king, at other times chosen by the county. The organization of the county court followed closely the model of the hundred court. To it came knights from the shire at large; to it also came twelve chief men from each hundred and four *best men* and a reeve from each township. The county court gradually absorbed much of the business of the hundred court. These courts attended to all sorts of business.

We have thus traced four distinct parts of the English constitution. These are the township, the hundred, the county, and the king's government. The township is governed by a democratic town meeting; the hundred and county are governed by representative bodies called courts. The king's government in course of time ceased to be a popular government. The wise men who were his counsellors were not chosen by the people. They held their place for life or during the pleasure of the king. The king's government, however, did not ordinarily act upon the people except through the local governments of county, hundred, and town. If the king needed money he sent a letter to the sheriff, who presented the case to the people's representatives in county court and a tax was voted by them.

From the earliest times there is evidence that local chiefs or great men often gained control of the weaker townships. During the long and brutal wars which resulted in the establishment of kings in England, the local chiefs increased in number and in power, and they came to be called lords. The lords built for themselves strong castles in the country apart from the people; they took from the people their lands, and the people became their serfs, or slaves. The greater part of the townships fell into the hands of lords, and took the name of manors, a term applied to a lord's estate. Only in the stronger and more thoroughly fortified towns which were called *boroughs*, did the older liberties survive. The hundred and county courts came to be controlled, in large part, by the lords who lived in castles. These

courts however still preserved the old forms of a popular assembly.

In 1066 A. D. the Normans conquered England. A Norman king ruled over England and Norman lords displaced the English lords. The English people seemed to be in the hands of tyrants, though they had still the hundred and county courts. The first Norman king set the example of giving to English towns charters,* preserving to them some of their ancient liberties. Other kings sought money or favors from towns by giving them charters. Great lords likewise granted charters to towns on their estates in return for money. In this way through centuries of tyranny the seeds of liberty were preserved in the English towns.

The kings of England were still dependent upon the local governments of county and town for taxation. The king's sheriff still arranged for the king's tax with the representatives of shire and borough in county court. In the time of Edward I it became customary for the king, through the sheriff, to request the county court to select two knights from the shire and two burghers from each borough to attend the meetings of his Great Council. His chief object in this was to get more money by arranging his taxes in person with the representatives of shires and boroughs. These representatives came, in course of time, to meet in a separate place and received the name of House of Commons. The great lords and bishops who formed the King's Council before the addition of representatives from shires and boroughs came to be known as the House of Lords; the two houses form the English Parliament.

The members of the House of Commons learned their politics in the hundred and county courts, and in the town meetings of the borough. These had preserved the forms and much of the substance of ancient English liberty. During the seventeenth century there was a fierce contest in England between the kings, who claimed the right to rule without reference to the wishes of Parliament, and the House of Commons, who claimed that the king was bound to rule according to the laws of Parliament. In this contest one king was beheaded and another was driven from the realm and his family excluded from the throne. The House of Commons triumphed. Parliament took one family off the throne and put another on.

During the century in which the English people were establishing the right to be governed by their own representatives, twelve English colonies were founded in America. The Englishmen who came to

*These charters were forerunners of the charters of liberty given to English colonies in America.

America, for the most part, sympathized with the Parliament in its struggles for liberty; many of them came for the express purpose of avoiding the tyranny of the English king. In America the Englishmen found a favorable opportunity for the establishment of the institutions of popular government.

The first local governments founded by Englishmen in America took the form of the English shire or the English town. The hundred had at this time ceased to be a government of much consequence; yet three of the eleven local governments represented in the first colonial assembly in Virginia were called hundreds. In the northern colonies the prevailing form for local government was the town, or township; in the south the prevailing form was the shire, or county. In New England especially do we find conditions most favorable for the reproduction of the old-fashioned English *tun* and *tun-scipe*.

The founders of New England colonies were familiar with the government of English townships and boroughs; they were Independents in church government; the soil and climate were best suited to farming on a small scale; they were surrounded by enemies formidable enough to cause them to place their houses near together. Hence local government in New England was established and remains almost entirely in the hands of towns. In the South, on the other hand, we have men more familiar with English shires; they were Episcopalian in church government; the soil and climate were suited to large plantations; there were few enemies, so that they could spread out at will. Here we have to the present day local government almost entirely in the hands of counties. In the other colonies local government was divided between counties and townships. These English townships and counties in America united and formed commonwealths upon the English model with the king and lords left out. When an English king and an English Parliament proposed to violate the English constitution by taxing these commonwealths without their consent they threw off all allegiance to the British government and formed a national government of their own.

Thus we see that the English township and the English county, kept alive through ages of war and tyranny, have for England furnished the foundation upon which popular government is being established; while in America, out of these venerable institutions, has been built up a group of free commonwealths and a Federal government without the intervention of kings or lords. In England, towns, hundreds and counties were united into general governments through violence and war. This led to despotism and tyranny. In America, towns, townships, and counties, have been united into commonwealths and the com-

monwealths into a Federal Government through discussion, through mutual agreement, and mutual concessions. In this process liberty has been preserved and made more secure at each step.

CHAPTER II.

ORIGIN OF GOVERNMENT IN IOWA.

Iowa was a part of that vast territorial claim which the English government founded upon the discovery of the Cabots. In the latter part of the seventeenth century the French, who had already occupied Canada, made their way to the upper Mississippi. They explored the river from Minnesota to Louisiana and made settlements at different points along its banks, and claimed all the territory drained by it. Iowa was thus claimed by France from 1673, when Father Marquette first landed on Iowa soil, till the great French and Indian War. At the close of the French and Indian War the French gave up all their claims in America. Louisiana and the territory west of the Mississippi passed into the hands of Spain. This territory was ceded back to France in 1800, and was sold to the United States in 1803. Thus we see that Iowa has been claimed by England and by France; it has been recognized by treaty as belonging first to Spain, then to France, and lastly to the United States.

Since Iowa has been a part of the dominion of the United States it has by law of Congress been connected with the territorial governments of Louisiana, Indiana, Missouri, Michigan, and Wisconsin. In 1838 Iowa was made into a separate territorial government embracing a large part of Minnesota. The people of Iowa adopted a state constitution and Iowa became a state in 1846.

During the greater part of the time in which Iowa was being passed around between the different territories by law of Congress, there were no white persons in the territory; the land was in the hands of various Indian tribes. From 1821, when Missouri was made a state, to 1834 when Iowa was connected with the territory of Michigan, Iowa seems to have been left without connection with any government. It was during this period that the first settlements of white men were made in the territory. These settlements began in 1830. In June of this year a company of miners crossed the Mississippi and began to work the lead mines of Dubuque. They organized themselves into an independent civil government and adopted a brief code

of laws to govern their action. For nearly two years they were prevented from carrying on their mining operations by the United States army sent to protect the rights of the Indians. At the close of the Black Hawk War in 1832, the Indian title was extinguished and the miners were at hand to renew their labors.

No provision had been made for the government of the territory. The land had not been surveyed. Yet multitudes came across the River and established themselves as settlers. The mining camp at Dubuque was soon occupied by thousands of persons. Settlements were made at Burlington, Keokuk, Fort Madison, and other places. These early Iowans imitated the example of their ancestors. They found a goodly land; they settled upon it and began to plant the seeds of a free commonwealth. When English, Saxons, and Jutes came into Britain they grouped themselves together in little townships. When our forefathers were on the Mayflower they drew up a simple compact and organized themselves into a free body politic; they landed at Plymouth and planted the first New England town. The miners at Dubuque formed for themselves a free democratic government. In other parts of the state wherever the settlers came there appeared a little free civil government formed by the voluntary association of its members.

The early settlers of Iowa were from different states. Some were familiar with the town government as it exists in New England; others were familiar with the county government as it exists in the south; still others were familiar with local governments in which the power is divided between township and county, such as exists in the middle states. Many of the early settlers had lived in Illinois. This state was first settled in the southern part by people from the south, who established the county system of local government.

These various classes naturally strove to plant in the new territory their own peculiar institutions. The New Englanders favored the town-meeting and the township. The southerners and those from Illinois favored the county. Those from Ohio and Pennsylvania naturally would divide local government between township and county. The laws made by the territorial legislature, and those made by the General Assembly after Iowa became a state bear testimony to the mixed character of the people. At one time local government was almost entirely in the hands of counties; at another time the laws provided for placing local government in the hands of townships after the manner of New England. The people were generally too far apart for this latter plan to succeed, and the final result has been a division of local government between township and county.

CHAPTER III.

LOCAL SCHOOL GOVERNMENT.

The work of education is done in part by parents. These may hire a teacher, or governess to come into the family and teach their children, or the children from a number of families may be collected into one room and a teacher employed for them. An individual may provide a room, teach a school and require all who receive the benefits of it to pay for the service. Much of the work of education has been done by good men who have built houses and supplied them with all that was needful, and have placed money in the hands of trustees, the interest of which is used for meeting the expenses of the school. Churches and various religious societies have done much for the education of youth. These various agencies may be relied upon to do a part of the work of education; yet there is no way in which it can be made certain that all youth will be provided with the means of an education unless the work is taken up by the ordinary civil government.

There is an established church in England supported by the government. When Englishmen settled in America they continued the policy of supporting the church by taxation. In New England, one of the first duties of the new town was to build a church and provide for the support of a pastor. It was customary in the earliest times to use the same building for both church and school. Often the pastor was also the school teacher. All the expenses of both church and school were met by taxation. In course of time in New England, as religious denominations increased in number, the church came to be supported by voluntary contribution, but the school continued to be supported by taxation. This was the origin of our public school system in America. From New England the system has been extended to other parts of the country. When Congress made provision for the government of the Northwest Territory the education of youth was recognized as a part of the work of government. After the plan of a public survey had been adopted the sixteenth section of land in each township was set apart for the support of public schools.

Iowa, as we have seen, was settled at a time when there was no provision for governing the territory. The settlers banded themselves together for mutual protection and government. Schools were established by the voluntary co-operation of such as were interested in the subject. For a time both government and education were car-

ried on by voluntary enterprise; so soon as there was a provision for the government of the people there was provision also for education by the government. When Iowa was made a part of Michigan in 1834, the laws of Michigan provided for education by the government. Iowa became a part of Wisconsin territory in 1836, and the laws of Wisconsin provided for public schools. When Iowa secured a territorial government of its own, during the first session of the legislature, a law was passed providing for the education at public expense of all white children in the territory. The state constitution, which went into effect in 1846, recognized the education of youth as a part of the work of the state. Yet during all this time the government did none of the work of education. Schools were supported by voluntary association. The laws for the maintenance of schools were not enforced; our public school system did not become general in the state until about 1855. Since that time the work has constantly grown and increased in importance.

In the laws of Iowa you may find provision for nearly every form of local school government which has ever been invented. In the earliest times those school districts, which never existed outside of the statutes, had each seven officers. The district had an assessor and a tax collector of its own. The laws afterwards placed the work of collecting the school tax in the hands of the county or township. Our laws now provide for four varieties of local school government.

The system of local school government in most general use in the state is the sub-district system. A law of the state makes every township a district for school purposes. The district is first organized by the trustees of the civil township, who hold an election, and a school board is thus chosen. The school board proceeds to divide the township into sub-districts, a tax is voted and a schoolhouse built in each sub-district. The township is usually divided into nine sub-districts.

Five days before the first Monday in March of each year, it is the duty of the director in each sub-district to post in three public places in the district a notice of election. On the day appointed the electors meet at the hour specified in the notice, and choose a sub-director for the ensuing year. In this way as many sub-directors are chosen as there are sub-districts in the township.

On the second Monday in March of each year our laws provide for a general meeting of all the voters in the township. At this annual meeting it is the duty of the electors to organize by choosing a president and secretary in case the president and secretary of the school board are absent. This meeting has power to authorize the sale of school property, to determine whether extra studies shall be taught in

the schools, to authorize the board to procure at the expense of the township public highways for the accommodation of the schools. All these duties may be committed, by a vote at the annual meeting, to the board of directors. The electors at the annual meeting are required to vote any tax which may be necessary for building purposes. This meeting of the voters of the township is usually attended by few persons. A few of the school officers come together on that day and pass the necessary votes, and the business which the law puts into the hands of all the voters of the township is really transacted by fewer persons than is the other business put by law into the hands of the school board.

The sub-directors chosen at the annual election on the first Monday in March are required by law to take the oath of office within two weeks of the date of election, and on the third Monday in March the sub-directors from all the districts in the township are required to meet and organize as the Board of Directors for the district township. They choose a President from their own number. They choose also a Secretary and Treasurer from their own number in case there are more than five directors. If there are less than five directors, the secretary and treasurer are chosen from the district township at large. The board of directors holds two regular meetings each year; one is in March, the other is in September. The school directors divide the township for school purposes; they locate and build schoolhouses and determine how many schools shall be taught. The law requires the board to consult the county Superintendent as to the most approved plan before building a house. The board may establish union or graded schools in the township. They are required to provide instruction for at least six months in the year for all persons of school age in the township. They may adopt text-books for the use of schools, but cannot change the books oftener than once in three years. They may provide the schools with maps, charts, dictionaries, and other apparatus. Libraries for the schools may be provided by vote of the electors at the annual meeting on the second Monday in March. The directors have an oversight of the expenditures of the district township and are required to secure the township against loss by fixing a bond for their treasurer and secretary. It is the duty of the members of the board to visit the schools and assist the teachers in governing them.

The board of directors, as we have seen, is composed of sub-directors chosen in the sub-districts. Each sub-director, in addition to his duties as a member of the board, has some special duties in his own sub-district. The board of directors determine what wages shall be

paid to teachers, and each director in his own district selects and hires a teacher. The teacher and sub-director govern the school, but the board, if they choose, may adopt rules and regulations for the government of the school. The consent of the board is required before a pupil can be permanently excluded from school.

The officers of the school board are President, Secretary, and Treasurer. The president is chairman of the board of directors. He draws all drafts upon the county for money, and signs all orders on the treasury. He signs all contracts made by the board, and he appears on behalf of the district in all cases at law.

The secretary keeps a record of all the proceedings of the board of directors. He countersigns all drafts and orders drawn by the president, and keeps a record of the same. He keeps an account of the expenses of the district township and reports the same to the board; gives notice to county superintendent of the beginning of each term of school and the length of term. Between the fifteenth and twentieth of September of each year the secretary is required to make a report to the county superintendent containing the following items: The number of persons in the township between the ages of five and twenty-one; the number of schools and the branches taught; the number of pupils and the average attendance in each school; the number of teachers and the average compensation; the length of school and the average cost per week of tuition for each pupil; the text-books used; the number of volumes in the library, and the value of the apparatus belonging to the township; the number of schoolhouses and their value; the name, age and address of each blind, and deaf and dumb person in the township between the ages of five and twenty-one; the number of growing trees in each school-house yard. If the secretary fails to make this report as required by law he forfeits the sum of twenty-five dollars, and is required to make good all losses resulting from his failure, and his bondsman is held for the payment of this sum.

The treasurer receives from the county treasurer money belonging to the district, and pays it out on orders signed by the president and secretary. The treasurer is required to keep an account with three distinct funds: The school-house, contingent, and teacher's fund. He is required to register all orders on the treasury. On the third Monday in September of each year he is required to make a full report to the school board, and send a copy of the same to the county superintendent. It will be seen by comparing the duties of the secretary and treasurer that each is required to keep a full account of the money received and paid out by the district township.

The district township or sub-district system was adopted by our legislature in 1862. At the same time the law provided for the organization of towns into independent school-districts. Where large numbers are to be educated it may be desirable to have school more months in the year, teach more branches, grade the school, and do many things in a way differing from that of the country school. The question as to whether a town or village shall be made into an independent district is decided by a vote of the electors living within the proposed district. The law requires that there shall be at least two hundred persons living within the proposed district. If a majority of the voters favor the organization, the organization is completed by electing three directors if the district contains less than five hundred inhabitants, and six directors if the district contains five hundred or more. These directors hold their office for three years, and, after the first election one-third of the board is elected each year.

When an independent district has been organized the rest of the district remains organized for school purposes just as it was before; thus, if the township contained nine schools and nine sub-districts, and one of the sub-districts containing a town or village should be made into an independent district, the district township would remain as it was, but would contain only eight sub-districts. In all questions of local school management the independent district has no connection with the surrounding districts.

The board of directors for the independent district is organized in a similar manner to the board of directors for the district township. They elect a president from their own number. They choose a treasurer who is not a member of the board. The secretary, in districts where there are six directors, must be chosen outside of the board; in districts containing three directors the secretary may be a member of the board. The duties of these officers are similar in every respect to the duties of the corresponding officers in the district township.

The independent district as thus described is designed for the especial accommodation of towns and cities. But many persons think that it would be better for the country schools as well for each school or each sub-district to be in the hands of an independent school board. In 1872 our legislature passed a law giving to the district township the privilege of changing the sub-districts into independent districts. Many townships in the state made this change. After a few years the legislature withdrew this privilege, but permitted the independent country districts already organized to remain. The government of the independent country district is similar in every respect to that of the district for towns containing less than five hundred inhabitants.

There are three directors; a fourth man for treasurer; the president is a member of the board, and the secretary may be a member.

Our laws also provide for the organization of the entire township into one independent district. This change may be effected by a majority of the voters of the township. Where this plan of local school government is adopted it abolishes the sub-district and the sub-director, and the management of all the schools in the township is placed in the hands of a board of directors chosen from the township. None of these various plans for organizing the country schools is allowed to change the organization of school government for towns and cities. These are allowed to maintain their independent school districts whatever may be the organization of the country schools around them.

CHAPTER IV.

THE SUPPORT OF SCHOOLS.

We have seen that the treasurer of each school board is required to keep a separate account with three distinct funds: the school-house, the contingent, and the teacher's fund. Of these three funds the teacher's is the largest and most constant. The United States government gave to the state one section of land in each township and five hundred thousand acres in addition, to be used for the support of common schools. This land has been sold by the state and the proceeds is kept as a permanent school fund. The auditor of the state and the various county auditors have charge of this fund, and the money is loaned out and the interest is used for the payment of teachers. This fund is apportioned to the school districts in proportion to the number of persons in the district between the ages of five and twenty-one, and is used in the payment of teachers. The permanent school fund may be increased by the sale of the estates of deceased persons whose property comes in to the hands of the state. Fines and forfeitures which the state secures in the administration of the law increase the school fund of the state.

From all these sources the amount is not sufficient to pay the teachers. It is the duty of the board of directors to estimate the additional sum necessary for the payment of the teachers each year and vote a tax for that purpose. The board of directors also vote a tax for the contingent fund. For the building of school-houses the law requires

that the tax shall be voted by the electors of the district at the annual meeting. These various sums are certified by the secretaries of the school boards of the county to the auditor of the county who is the clerk of the county board of supervisors. It is the duty of the board of supervisors to levy upon the respective districts the taxes voted by each district and they are collected along with the other taxes of the county.

The law limits the amount of money that may be expended in any one year for the support of schools. For teachers the limit is fifteen dollars per pupil; for contingent expenses the limit is five dollars per pupil; for school-house fund the limit is ten mills on the dollar for all the taxable property in the district. If the district is in need of more money for the building of school-houses than the tax of ten mills on the dollar will produce, the electors at the annual meeting may authorize the board to borrow money and issue bonds of the district. Districts are not allowed to contract a debt for any other purpose than for securing of school-houses and grounds, and the indebtedness for this purpose cannot exceed five per cent of the assessed value of the property of the district. If in any locality the people fail to organize school-districts, vote school taxes and support a school for at least six months in the year, they do not receive any portion of the permanent school fund. It is by withholding the school fund from localities not complying with the school law, that the state has been enabled to extend the system to all places within its limits. The permanent school fund of the state is more than three and a half millions. The state expends more for education than for all other objects combined.

CHAPTER V.

THE TOWNSHIP.

In 1796 Congress of the United States adopted a system of surveys in which the township was the chief division. The township in this survey is six miles square and is divided into sections of one square mile each. This system has been followed in all parts of the country west of Pennsylvania, and the township established by the United States survey serves the double purpose of locating land and furnishing the boundary for local government. One object of congress in

adopting this system was to encourage local township government. We have seen that in Iowa the district township for school purposes has the same limits as the civil township; and the civil township usually has the same limits as the township established by congressional survey.

The civil township in Iowa is a local government for holding elections, repairing roads, listing property, giving relief to the poor, and for other business of local interest. The officers of the civil township are three trustees, one clerk, a road supervisor for each road-district, one assessor, two or more justices of peace, and two or more constables. The justices and constables are, in a certain sense, county officers; yet they are elected by townships and if they remove from the township in which they are chosen they cease to be officers. The trustees are chosen for three years, but their terms of office are so arranged that one is chosen each year. The other officers are chosen for two years.

If there is within the limits of the township an incorporated town or city, the law requires that at least one of the justices shall live within the town. The voters within the town or city choose a separate assessor. The voters of the city are not allowed to vote for road-supervisors nor for the township assessor; they vote for all other township officers.

In the case of a district township for school purposes the people of a town or city may form an independent school district. The district township has no power to compel the town to become independent, but in the case of a civil township the voters living outside the town limits can compel the town or city to become a separate civil township. This is effected by a majority of the voters outside the city signing a petition to the county supervisors asking them to organize the city into a civil township. It then becomes the duty of the supervisors to so organize the city. An independent school district formed by the people of a town or city, may include territory outside of the city limits. When a city is made into a civil township, the limits of city and township are the same.

The civil township is a voting precinct. The trustees of the township designate a place for holding elections. The township clerk gives notice of the time of holding elections. The trustees and clerk are required to prepare a list of the voters of the township. The trustees are judges of election. They appoint a clerk of the election, who, together with the township clerk, keeps a complete list of the persons voting. The trustees and the clerk have charge of the ballot-box. They count the votes cast for each candidate for office and make a list

of the same. In the case of township officers, the trustees decide who are elected; for other officers, they send the list and the number of votes for each candidate, to the county supervisors. They replace all the ballots in the box and put the box in the hands of the clerk, to be kept by him till after the time has elapsed in which it is possible to contest the election.

The trustees divide the township into road-districts, or, if they choose, they make the entire township into one district. The clerk of the township makes out a plat of the township, showing the location of each road and the boundary of each road-district; he is required to furnish to each road supervisor in the township a plat locating all the roads in his district. The law requires the trustees, at their regular meeting in April, to vote a tax for road purposes. This tax cannot be less than one mill nor more than five mills on the taxable property of the township. They also determine how the tax shall be paid, whether in money or labor, and, if they decide that it may be paid in labor, they fix the rate of wages. The road supervisor in each district collects the tax for his district and applies it to the improvement of roads. In addition to the tax voted by the trustees it is the duty of the supervisor to require every able-bodied man between the ages of twenty-one and forty-five to work two days on the highways each year, or pay an equivalent.

The trustees of the township have various duties in the administration of the poor-laws of the state. If a person comes into the township who seems likely to become a charge to the government, it is the duty of a trustee, or any other officer in the township or county who may be required to furnish aid, who becomes aware of the fact, to give such a person a written warning to leave the county. If after such a warning the person becomes a charge to the county, the officers may send the person to the county or state from which he came. It is the policy of government not to allow persons supported at public expense to wander from place to place. If a person remains in the county one year without receiving a written warning to leave the county, he thereby gains a "settlement" and the county may be called upon to support him.

The government expects every person, who is able, to support himself. An able-bodied person applying for aid may be required to work upon the streets or highways. The near relatives of disabled persons are required to support them. Parents are required to support their children; children may be required to support their parents; grand-children may be required to support their grand-parents, or grand-parents to support grand-children, in case they are in a condition

to do so without labor. If the near relatives refuse to support their kindred the trustees or county supervisors may bring an action in the circuit court and compel them to do so.

If a person, who has gained a legal settlement in the county and who has no near relatives able to support him, applies to the trustees for aid, it is their duty to look into the case and furnish or refuse relief. If they decide to furnish relief they may do so by sending the person to the county poor-house or by giving him whatever they think is needful, in food, clothing, medical attendance, or money. If the trustees refuse aid the applicant may go to the county supervisors and they may order the trustees to furnish aid. Or, if the supervisors think that the trustees are giving aid unwisely, they may order them to with-hold aid. In all cases where aid is furnished by the trustees directly to the applicant, they are required to send a statement of the expense incurred to the auditor of the county, who presents the bills to the board of supervisors. All bills for the relief of the poor are paid by the county, and the supervisors, if they choose, may take the entire business out of the hands of the trustees. But in counties where no poor-house is provided and where the supervisors make no provision for the poor, the trustees are required to take entire charge of the business. Yet in any case the county must meet the expenses incurred.

The law gives to cities of the first class power to make provision for the poor. In cities of the first and second class the county supervisors may appoint an overseer of the poor, who may attend to all the duties which would otherwise belong to the trustees of the township in which the city is located.

On the first Monday in April of each year the trustees are required to meet and proceed to revise and correct the assessor's book. If in their judgement any property has been valued too high or too low they change the valuation accordingly. If they discover that any taxable property has been omitted from the list they may correct the omission. If any tax-payer feels aggrieved at anything in the assessment of his property, he may state his grievance to the board and they grant or refuse relief at their discretion. The aggrieved person may appeal from the decision of the board to the circuit court.

The trustees are the health officers of the township. They may require persons to be vaccinated; they may require the removal of filth which they deem injurious to health; they may adopt by-laws for the preservation of the health of the community, and enforce them by fine and imprisonment.

A variety of other duties may be required of these officers; such as,

the viewing of fences, assessing damages in the case of trespassing animals, providing and keeping up cemeteries, filling vacancies in the offices of justice of peace and constable, seizing of property of persons who may be deserting poor relatives.

The township clerk attends the meetings of the board of trustees, and keeps a record of their proceedings. Besides the duties which he has in connection with the trustees, he has various other duties. He is treasurer of the township, and as such he is required to give a bond to secure the township against loss. On the morning of each general election, he is required to post, at the place of voting, a detailed statement of all the money received and paid out by him during the year. The clerk makes out from the assessors' book a list of the road-taxes for each highway district, and furnishes a copy to the road supervisor. If the supervisor does not collect all the tax, he reports the delinquencies to the clerk, whose duty it is to report to the county auditor all the delinquent tax, on or before the second Monday in October of each year. The tax is then collected by the county treasurer and paid over to the township clerk.

The clerk administers the oath of office to the other township officers and keeps a record of the same. He posts a notice of the results of township elections and notifies the county auditor of the persons elected. He receives the resignation of township officers. If he resign his own office the trustees receive his resignation. When there is a tie vote for a township officer, the clerk notifies the candidates to appear before him and decide the case by lot.

The chief business of the assessor is to make a complete list of all the tax-payers and taxable property of the township, and affix the value of the taxable property. The law makes it the duty of each tax-payer to assist the assessor in making a complete list of his taxable property. It is also made the duty of the assessor to require each tax-payer to make oath or affirmation that he has rendered a correct account of all taxable property in his possession.

The assessor is required to begin his work on the third Monday in January of each year, and he is required to place in the hands of the township clerk a complete list before the first Tuesday in April. A second list is made by the assessor, containing all the corrections made by the board of trustees. This second list must be placed in the hands of the county auditor before the third Tuesday in May.

In addition to the work of listing and valuing property, the assessor is required to make out a complete list of the voters of the township, and give a certified copy of the same to the township clerk. This list furnishes needed information to the clerk and the trustees in their

work as a board of registry for the township. The assessor is required to make out a list of all persons between the ages of eighteen and forty-five who are not exempted from military duty, and send the list to the county auditor. He is required to make a list of the children of deceased soldiers, and once in five years he is required to take the census of the township.

The duties of the justice of peace and constable will be given in another chapter.

CHAPTER VI.

TOWNS AND CITIES.

The township government, as it is organized and administered in this state, is especially adapted to people living apart on farms. Persons living together in large numbers need a government with more powers. The township trustees and highway supervisors usually make no provision for foot-travelers; they provide only for teams. Towns may need accommodations for pedestrians. Our laws do not give the civil township power to protect the citizens against fire. The courts may punish persons for setting fire to buildings, or starting prairie fires; but persons living in town or city feel the need of more stringent laws to prevent the burning of buildings, and of especial provisions for extinguishing flames. The township trustees are the health officers of the township, but are not accustomed to act with sufficient energy to meet the needs of persons living in town or city. A farmer may be as noisy as he pleases, he may have bells and gongs and ring them at all hours of the day or night, and no one would be disposed to interfere with his liberty; but towns-people find it desirable to use the power of the government to protect themselves against noise. The township trustees are overseers of the poor, and render temporary aid to needy persons, or send to the county-house persons permanently disabled. For the smaller towns this provision for the poor is all that is needed; but in the large cities the number needing temporary aid is often so large that it is necessary, or desirable, to build a house in which to take care of them.

The town or city government takes the place, in large part, for the people living within the corporation, of the township government. The town has its own assessor, and the town or city council is the

board of equalization for the corporation. They are the health officers for the corporation; they take entire charge of streets and highways; they may do nearly everything which the officers of the civil township do, and many other things which the township officers cannot do.

Yet, as our laws now are, towns and cities cannot hold general elections. These are held by township officers, or, where there are large cities, the county supervisors may divide the township for voting purposes, and appoint judges of election for such precincts as do not contain a sufficient number of township trustees. In any case, the holding of general elections is not left to city governments.

Town or city governments are organized to attend to ordinary civil matters and to meet the special and peculiar needs of the corporation. Our laws recognize and provide for four kinds of town and city governments. The most simple is the *incorporated town*. Whenever twenty-five voters living in the same vicinity, become dissatisfied with the ordinary township government and desire to form for themselves a town government, they may make out a town plat and apply to the circuit court for privilege to form a town government. It then becomes the duty of the court to name five commissioners to hold an election within the proposed corporation to determine the question whether a majority of the voters within the proposed town are in favor of a town organization.

If a majority favors the change an election is held and town officers are chosen.

The officers of an incorporated town are a mayor, a recorder, an assessor, and six trustees. The mayor and recorder serve one year, the assessor two years, and the trustees serve three years. After the first election two trustees are elected each year. These officers constitute the town council. The mayor is president of the council, and has a right to vote on all questions before it. The recorder is clerk of the council, and has no right to vote. The council elects a treasurer, and the recorder may be chosen to this office. The council also elects a marshal, and such other officers as they need.

The town council makes all laws and ordinances which it deems necessary for the good order and government of the town. Towns are permitted by our laws to do a great many things, but they are required to do only a few things. The council must take the place of township trustees as a board for equalizing taxes, and as health-officers. They have entire care of streets and highways. In addition to these duties they may exercise any one of a large list of powers. Yet the powers of town or city government are strictly limited by the code

of the state; they can exercise no power not conferred by statute. They can prohibit billiard saloons within the corporate limits, because this power is expressly granted; they cannot prohibit the sale of tobacco or strychnine because this power is not granted. The town council may pass any law they please in the exercise of granted powers, and when a law is passed it becomes the duty of the mayor to see that the law is executed. The mayor is a conservator of the peace and he may also act as a court, having the same powers and governed by the same laws as a justice of peace. Cases of violations of town ordinances must be tried before the mayor if he is able to hold court; if he is not able, the case goes before a justice. The town marshal is a peace officer and has in general the same duties as the constable. He is a ministerial officer of either the mayor's or justice's court. The marshal may also be street commissioner, and have entire charge of streets, sewers, and sidewalks.

When according to the census a town has attained a population of more than two thousand inhabitants, it may be organized as a *city of the second class*. A city of the second class is divided into not less than three wards, nor more than seven. Each ward elects two members of the city council. These officers hold their office two years and their terms are so arranged that one is elected each year. The mayor of a city of the second class is chosen annually, and has the same relation to the council that the corresponding officer does to town council, except that he cannot vote unless there is a tie. Instead of a recorder chosen by the people, the city council has a clerk chosen by themselves. The city must provide a seal to be used upon all legal papers. Instead of a treasurer chosen by the council, as in incorporated towns, the city elects a treasurer each year, and a city solicitor is chosen annually. The city council elects a marshal, deputy marshals and police officers, and may organize a board of health.

The duties of officers in a city government do not differ from those of corresponding officers in incorporated towns. The city solicitor is a lawyer who gives legal advice to the city council, and appears on behalf of the city in cases at law.

Whenever the inhabitants of a city reach the number of fifteen thousand, the organization is changed, and it is called a *city of the first class*. In cities of the first class one councilman is chosen from each ward and two councilmen at large are chosen by the electors of the city. These all serve two years. The mayor is chosen for two years. The marshal, treasurer, and solicitor, are all chosen by vote of the people, and their term of office is two years. In addition to these officers, whose duties are similar to those of corresponding officers in a

city of the second class, a city of the first class elects, on each alternate year, a civil engineer, an auditor, a police judge, and a superintendent of markets. Various other officers may be provided for by city ordinances and filled by the mayor with consent of city council.

Cities of the first class are allowed to exercise all the powers allowed to cities of lower grade and some additional powers. The city council may prescribe the width of the tires of all vehicles habitually used in the streets, and they may fix rates for the transportation of persons and property within the city.

Besides the incorporated town and the two classes of cities, there are several cities in the state which are governed in accordance with special charters received from the state legislature previous to the adoption of the new constitution in 1857. A city governed by a special charter is subject to general regulations of the legislature. In comparing the different kinds of local government in the state we find that as the population increases, the burden of government becomes greater, and the difficulties of government are increased. To a farmer living in the country it would seem tyrannical for the government to compel him to cease to use his wagon-tires and secure others of a different width, to take on and put off his load at a certain place, to charge only so much for each service rendered. Yet the city government does all these things and many others which under other circumstances would be entirely unnecessary.

CHAPTER VII.

COUNTY GOVERNMENT.

The entire state of Iowa is divided into ninety-nine counties. Twenty-four miles square is a common size for a county. A county of this size usually contains sixteen townships, each six miles square. Each county has a capital, or established place of doing business. The capital, or county-seat, cannot be moved unless a majority of the legal voters of the county sign a petition to the supervisors of the county. The supervisors, upon the receipt of such a petition, order an election, at which all the voters in the county are privileged to vote for or against removal. If a majority of the votes cast are for removal, the county-seat is moved.

At the general election in the fall the people of each county choose county officers. These are, a superintendent of public instruction, three supervisors, an auditor, a treasurer, a recorder, a clerk, a sheriff, a coroner, and a surveyor. The term of office for each of these is two years, except the supervisors, who serve for three years, one being elected each year.

We have seen that schools are provided for in school districts under the immediate supervision of local officers. These local officers create school districts, vote local taxes, build school houses, hire teachers, and assist them in governing schools. But before local school officers can hire a teacher the law requires that the teacher shall receive a certificate that they are qualified to teach a school. The county superintendent holds public examinations and issues certificates to those who pass the examinations. He usually has an office at the county seat. Besides examining teachers and issuing certificates, the superintendent is required to send all legal school-statistics from his county to the State Superintendent of Public Instruction. These statistics he collects in large part from the local school officers.

The county superintendent has general oversight of school work in his county. He assists school officers in selecting teachers; he assists teachers in finding out the best methods of teaching; he holds institutes for the instruction of teachers; he gives directions to local school officers for planning new buildings, ornamenting grounds, furnishing schools with apparatus, etc. When school houses have difficulty in securing ground for a school-house the county superintendent may appoint appraisers for the ground selected by the school board, then it can be taken at the appraised price whether the owner is willing or not. When there is a difficulty about locating a school-house, or any other action of the school board, an appeal may be made by parties who feel aggrieved on account of the action, to the county superintendent, and it becomes his duty to decide the case. The superintendent hears appeals from decisions of local boards. Appeals may be made from the county superintendent to the State Superintendent.

The county government completes the work of local government within the state. The highway supervisors in each road-district collect the tax and apply it upon the roads. If the supervisors fail to secure all the road-tax, it is collected by the county treasurer and given to the township clerk to be used on the roads of the township. All roads in the county are located by the county supervisors, yet the township trustees may be called upon to assess damages to individuals caused by locating a road. The county supervisors levy a tax upon the county and apply it to the building of bridges, but small bridges

and culverts are made by the township and the expenses met by a township tax.

The poor of the county are provided for by township trustees and county supervisors, but the entire expense is met by a tax levied by the supervisors upon the county. Poor persons needing permanent support are generally provided for by the supervisors. These may let out the keeping of such persons by a contract to the lowest bidder, and hire them kept from year to year, or, they may select a farm on which to build a poor-house for the county, and estimate the cost of the farm and house and submit the question of establishing a poor-house to a vote of the people of the county. If the people approve, the poor-house is built. The supervisors have entire charge of this. They hire a steward to take charge of it, and make rules and regulations for its management. It is expected that paupers will relieve the county of expense as far as possible by labor in the house and upon the farm. Insane persons are sent to the state hospitals for treatment, and the expense of keeping them in the state hospital is paid by the county.

The county government is the chief taxing agent in the state. The school board determines the amount of tax to be raised for school purposes in the district. The trustees determine the amount to be raised in the township for roads and other purposes. The town and city councils determine the amount to be raised to meet the expenses of towns and cities. The supervisors of the county determine the amount to be raised in the county for county purposes, and the General Assembly determines the amount to be raised in each county for state purposes. Statements of all these estimates are presented to the county supervisors and it becomes their duty to levy a tax to meet all these expenses.

To get a list of tax-payers and taxable property an assessor is elected, as we have seen, in each town and township in the county. A copy of the assessor's book, after it has been revised by the local board of equalization, is sent to the county auditor. The county supervisors compare these lists from towns and townships and make such changes in the valuation of property as they think justice requires. The assessment lists from all the counties in the state are sent to a state board of equalization. They equalize the assessments, as best they can, between the counties of the state and return to each county its corrected list. This list, having been revised by these three boards of equalization, is followed by the county government in levying and collecting all the taxes for local and state government.

Besides these various acts which connect the county with the town,

township, and state, the supervisors have other special county business. They must provide a place for holding the district and circuit courts, and for the keeping of valuable county records. For this purpose the county usually builds a court-house. If this is not done the supervisors must rent rooms for these purposes. The county pays all bills for the punishment of crimes committed within the county. These crimes are tried in the justice courts in the various townships, or in the district court held in the county.

The supervisors must provide a place for keeping prisoners. They usually build a county jail for this purpose. If, in building a jail, poor-house, court-house, or bridge, the supervisors need to incur an expense of more than five thousand dollars, they may be required to previously secure the approval of a majority of the electors of the county. If they expend in the purchase of land more than two thousand dollars, they must have the consent of the voters. In the more populous counties the supervisors are allowed to expend ten or even fifteen thousand dollars on a bridge without a vote of the people.

The supervisors are the business managers for the county. They have an oversight of all other county officers. They have the care of all county buildings and property. No money is paid out by the county an account of which must not come before the supervisors and be approved or allowed by them. Some claims the law compels them to "allow"; others they settle upon their own judgment. The supervisors hold five regular meetings each year and such special meetings as the exigencies of county business may require. Their regular meetings occur on the first Monday after the general election each year, and on the first Mondays of January, April, June, and September. The number of supervisors in any county may be increased from three to five or seven, by a majority of the electors.

An auditor is one who examines, and approves or settles accounts. We would naturally suppose that a county auditor was the officer who examines and settles the accounts of the county; but we have already seen that the supervisors of the county do this work; the real auditor of the county is the board of supervisors. The officer who is called auditor is the clerk of the board of supervisors and keeps all their records. As clerk of the county board, the auditor is the county historian. In his office may be found the records of the organization of the county, and of the organization of each township of the county. Much of the business transaction between the county and the local governments within the county is carried on through the auditor. Likewise business between the state government and the county is through the auditor.

We have seen that a copy of the assessor's books from every town and township in the county, after they have been corrected by three boards of equalization, come into the hands of the auditor. Also, we have seen that an account of all the taxes voted in school districts, townships, towns, and county, is in his hands, also the state tax to be collected in the county. It is the business of the auditor to estimate the amount of tax to be paid by each tax-payer in the county. He must write these results in a book and give a copy to the county treasurer to be followed by him in collecting taxes.

The auditor has charge of a portion of the permanent school fund of the state, and he loans this out to individuals as directed by law.

The treasurer receives from the auditor a list of the tax-payers, and the amount of tax to be paid by each one. It is his business to collect this tax. Taxes may be paid after January of each year. If they are not paid before the first of March they are accounted "delinquent." If they are not paid before April first a penalty of one per cent. a month is collected for the first three months. One-half of the tax may be deferred till November without penalty.

It is the duty of the treasurer to seize and sell the property of delinquent tax-payers. If the tax-payer owns or acquires real estate the taxes due the county become a lien on the real estate. On the first Monday of October of each year it is the duty of the treasurer to offer at public sale at his office all real estate on which there are unpaid taxes.

The county supervisors may order an election of a township tax-collector in each township in the county, except the township in which the county seat is located. If this is done, the auditor furnishes to each collector a tax-list for his township, and he collects the taxes and makes his returns to the county treasurer.

The county treasurer is required to keep a separate account with each tax-payer and each fund. He pays out money upon warrants signed by the auditor. The auditor in issuing warrants is guided mainly by the decisions of the board of supervisors. The supervisors are required to publish their proceedings, so that all the tax-payers in the county may be informed as to what is done with their money. By comparing the records and work of the auditor and treasurer, it is seen that in each office may be found a complete system of money accounts for the county. In this way the tax-payers are protected against fraud. They are further protected by bonds given by both the auditor and the treasurer, so that in case money is lost or stolen by these officers the county may be reimbursed by collecting the money from the bondsmen of the officers.

It is often difficult for the government to decide who are the rightful owners of land. Our ancestors, before they kept written records, used to break off a piece of the turf from the land and a twig from a tree growing upon the land, and carry them to the town meeting, and, in the presence of the assembled townsmen, the man who wished to convey the ownership of the land would deliver the turf and twig into the hands of the purchaser. This was called "putting into possession by turf and twig, as part for the whole." The townsmen could testify to this fact, and it was a valid title as long as it could be proven. Long after written records were used the habit of delivering "by turf and twig" continued and the fact that such a delivery had been made was put into the written instrument. I have before me a printed copy of a deed dated March, 16th, 1681, at Sherburne, Nantucket, Mass., in which are the words: "I, the said Thomas Macy, have put the sd John Macy in toe possession by Turf and twig, a part for the whole at the day of the Insealing of these presents."

It is now the law in all the states of the Union, that titles to real estate shall be conveyed only by writing, and a deed conveying a title to land is not completed until it is put upon a public record. The officer whose duty it is, in this state, to record all deeds and mortgages, is the county recorder. It is his duty to write out in full in books kept for the purpose all deeds and mortgages placed in his hands. In the recorder's office, if the records have been properly kept, can be found a history of the title to all the land in the county from the beginning. The first owner of the land, according to our records, is the United States government. The first deed is called a "patent"; and is given by the United States to some individual or corporation. That individual still owns the land unless there is a public record showing that the land has come into the possession of some one else. The title to the sixteenth section in each township, and large tracts of other land in the state, is traced in the county records to the state of Iowa; because these lands have been given by the United States government to the state for educational purposes; and the state either owns them or has sold them to individuals.

The most convenient place to find an official record of the present owners of land in the county is in the auditor's office. The auditor is required to keep a book of plats showing every piece of land in the county and the owner thereof.

Whenever the recorder receives a deed it is his duty to present the same to the auditor, who makes a record of the fact of the conveyance in a book kept for that purpose, and changes the name in the book of plats to correspond to that of the new owner. We have thus two of-

fices in the county in which a record of titles is kept.

But before you can be certain as to the exact condition of the title to a piece of real estate, you must visit the office of the clerk of the courts, and see if there are not judgments or costs which are a lien on the land. In the treasurer's office may be found the condition of the taxes for which the land may be held.

CHAPTER VIII.

COUNTY CLERK.

The names of some of the local officers are rather confusing. The one who keeps a record of the proceedings of the board of directors in a school district is called a "secretary." The township "clerk" is recording officer for the board of trustees for the civil township, while the town council has a "recorder" for their clerk. In the county the board of supervisors have for their clerk an "auditor." The county "recorder" is a copyist, while the county "clerk" is an officer of the courts held in the county. His official title is "clerk of the district and circuit courts."

The justice of peace, as we have seen, is elected by the township, but is regarded as a county officer. The justice is his own clerk. He must secure a book and keep in it a record of all official business which he transacts.

If John Doe sues Richard Roe and gets judgment against him in a justice's court for seventy-five dollars, and if Richard Roe will not pay the sum and has no property which the justice can lawfully order the constable to seize and sell to pay the judgment at the time, John Doe may have the justice send a copy of his record in the case to the clerk of circuit court, and he must enter the record in a book kept for that purpose. If this is done, then, any time within ten years, if Richard Roe becomes the owner of any property which may be lawfully seized, the clerk may order the execution of the judgment upon the property of Richard Roe. In this way the more important records of the justice's court may be found in the county clerk's office.

The clerk of the courts has an office at the county seat. All official business transacted by either circuit or district courts held in the county is recorded by him. In his office you may find a record of all suits entered in either court, all notices given, all witnesses subpœnaed,

all juries empaneled, all decisions rendered, all judgments made, and all executions issued. Many of these judgments affect the title to real estate. In all except criminal cases the party losing the suit is required to pay the costs. If he refuses to do this his land may be seized for this purpose. Unsatisfied judgments are a lien upon any real estate which the party may own or acquire. One buying land of a person against whom there are records of obligation in the courts, may be compelled to satisfy these claims.

It is the business of the circuit court to appoint executors, administrators and guardians. But, if there is need of the officers during the time the court is not holding session in the county, the clerk appoints these officers and they hold till the next term of court, and permanently if not changed by the judge.

The clerk issues marriage licenses and makes a record of the same, and must also make a record of the accomplishment of the marriage. He keeps a record of births and deaths in the county.

CHAPTER IX.

LAND SURVEYS.

Our lands were first surveyed by the United States government. The system of surveys adopted is most simple and convenient. First, the land is all marked off into squares by meridians and parallels six miles apart. These squares are called townships, and, as we have seen, they serve the double purpose of locating lands and furnishing boundaries for local governments. As civil governments the townships receive proper names, as Madison or Jefferson township, but for purposes of locating land they are designated by numbers.

The surveyors begin by establishing a true meridian, run with great care, and marks are made every half mile along its entire length. Across this true meridian a true parallel is run and marked in like manner. From these two lines the townships are numbered. The lands in Arkansas, Missouri, Iowa, Minnesota, and a large part of Dakota are all included in one survey. The Fifth Principal Meridian starts at the mouth of the Arkansas river and runs north to the north-

ern line of Minnesota. A Base Line crossing this meridian runs near Little Rock, Arkansas. From these two lines the lands in these states are located.

Having established the Principal Meridian and the Base Line, the surveyors begin the work of locating townships at the point where the lines cross. They follow out on the Base Line six miles west. From this point, they measure due north six miles and establish the corner of the first township. This township is Range 1 West of Principal Meridian, and No. 1 North. They measure on six miles farther and establish the second township corner, and so on as far as the survey is extended. The tiers of townships running north and south are called Ranges. Range 1 is next to the Meridian. Range 2 is six miles from the Meridian; Range 11 is sixty miles. The townships are numbered from the Base Line, north or south. Range 4, West, Township 9, North, means that the township is eighteen miles west from the Principal Meridian, and is forty-eight miles north of the Base Line. A township on the south line of Iowa is No. 67, North, from the Base Line. This means that the southern line of our state is about three hundred and ninety-six miles north of Little Rock, Arkansas. A township on the north line of Iowa is No. 100. The north line of Iowa is, therefore, six hundred miles north of the Base Line, or of Little Rock. The width of our state, according to this computation, is two hundred and four miles. A township in the extreme eastern part of our state is in Range 6, East; that is, it is thirty-six miles east of the Principal Meridian, which runs not far from Muscatine. A township in the extreme west is in Range 48, West, or two hundred and eighty-eight miles west from the Meridian. The length of our state, therefore, is three hundred and twenty-four miles.

In running north from the Base Line the surveyors simply follow the true meridian as determined by their instruments. True meridians converge toward the poles of the earth's axis. In latitude forty-two degrees two lines starting six miles apart and running due north six miles will be three rods nearer together than they were at the starting point. At the distance of thirty miles they are fifteen rods nearer together. The townships are square only in theory. As a matter of fact they are all narrower on the north side than they are on the south, and none of them are full six miles on the south except those which are started on a base line. But, to prevent this narrowing process from spoiling the system, the surveyors make what they call "correction lines."

This is done by measuring out from the Principal Meridian and

starting a new base line. The townships on the north of this line are all full six miles in width; on the south of it they are less than six miles. This makes a jog in the lines running north. The south line of Iowa is a correction line. From this line the surveys were made eleven townships north, and another correction line was established. This line runs near Iowa City and Des Moines. Ten townships farther a third correction line is established, running from near Dubuque to Sioux City. From this line the townships grow narrower till they come to the north line of the state.

This first United States survey divides the land into townships. But a township contains 36,000 acres, more land than an ordinary purchaser can buy. To divide the township into lots convenient for settlers other surveyors are employed. These mark off the township into thirty-six sections, each one mile square. A mark is made at the corner of each section, and one half way between these on the section line. In surveying a township into sections the surveyors begin at the southeast corner of the township and mark off the sections to the north. If their survey does not agree with the first surveys, they leave the surplus or deficiency on the north side of the township. If the surveys are accurate the townships are all just six miles north and south, but it is found to be often impracticable to run two independent lines six miles and have them correspond. So if you own a forty acre lot on the north side of a township it is probably defective. When the township surveyors come to the west side it is always found to be defective, since the township, as we have seen, is always narrow at least on one side. Hence the lots along the west side are

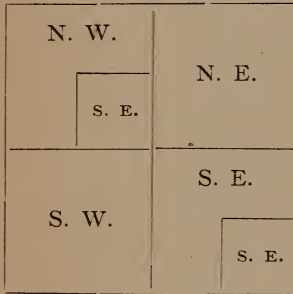
Fig. 1.

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

always fractional. The thirty-six sections in a township are numbered and located as indicated in Fig. 1. The section in the extreme north-east corner of the township is number one. West of this is number two, and south of it is number twelve. By following this uniform method of numbering the sections it is possible to give the exact position of any section by simply knowing its number. The United States survey ends with the location of marks at the corner of

each section and a half-mile mark between the section corners, as indicated in Fig. 2. The government disposes of the land in forty-acre lots or multiples thereof. In a section there are sixteen forty-acre

Fig. 2. lots and they may each be accurately located by a brief and convenient description. First, the section is divided into quarters and described as indicated in *Fig. 3*. Each quarter-section contains, of course, four forty-acre lots; these are indicated in precisely the same way. We will now suppose that you have been to the land office and purchased a forty-acre lot, with the following description: S.E. $\frac{1}{4}$ of S.E. $\frac{1}{4}$ of Sec. 9, Township 81 North, and Range 18 West of the Fifth Principal Meridian. Township 81N. and Range 18W. mean that the land is

Fig. 3.

about four hundred and eighty-six miles north of Little Rock, Arkansas, and one hundred and eight miles west of Muscatine, Iowa. With a township map you can find the exact location, in Central Iowa. Having found the township, you next find section nine. This, it will be seen by reference to *Fig. 1*, is one mile from the north line and three miles from the east line of the township. The forty-acre lot described is in the extreme southeast corner of the section. If the Government corner can be found, the land is easily located. If, however, the description ran S.E. $\frac{1}{4}$ of N.W. $\frac{1}{4}$ of the same section and township, it would be more difficult to locate it. The S.E. corner of this lot is the center of the section and this point is not fixed by the U. S. survey. If all the half-mile marks are visible, the center may be located with some degree of accuracy by measuring across each way; but to do this with entire satisfaction requires a surveyor and surveyor's instruments. Besides, many of the original marks made by Government become lost.

The county surveyor is an officer chosen in each county to assist interested parties in locating their land. In the first place, men often went upon the land without any attempt at accurate surveys. They "stepped" it off, or measured up hill and down with a pole. When land was cheap, or where no one claimed the adjoining land, this method answered every purpose. But as land became valuable and all of it was occupied it became necessary, or at least desirable, to have the lines established in their proper place. The county surveyor is employed by interested parties and paid by them for his work. He establishes corners for each piece of land, makes out a plat showing his measurements and gives a copy to the parties employing him. If the parties desire they may have the survey recorded in a book

kept by the county surveyor. The surveyor may be employed in platting a town, or in locating town lots. In all the work of the county surveyor the starting point is from the United States survey; he is not allowed to change these. If some of the marks of United States surveys are lost the surveyor may relocate them.

The other county officers are a sheriff and coroner, whose duties are presented in another chapter.

CHAPTER X.

STATE GOVERNMENT AND STATE INSTITUTIONS.

The greater part of the work of government within the state is performed by school districts, towns, townships, and counties. A few things are done by the state.

We have seen that school districts vote taxes for school purposes, build school houses, hire teachers, and provide for the immediate wants of public schools. A county officer examines teachers, and has supervision over the schools of the county. The state provides an officer whose duty it is to have general supervision over the work of education throughout the state.

There is a permanent school fund of the state in the hands of state and county auditors. This money is loaned out and the interest is distributed to school districts in proportion to the number of persons between the ages of five and twenty-one, and is used in the payment of teachers.

The laws of the state provide for the establishment of high schools supported by counties, but only one county in the state maintains such a school. High schools are established and maintained by school districts where there are towns and cities.

Besides the schools provided for in school districts and the one county high school in the state, the state at large maintains various educational institutions.

The State University, located at Iowa City, begins the work of education where the high schools of the state end. It gives a liberal literary and scientific education. There are also connected with the University departments of Law and Medicine, where lawyers and physicians receive their professional training. The University is supported in part by a state tax and in part by the proceeds of land given to the state by the United States government.

The Iowa State Agricultural College is located at Ames. The leading object of this institution, as set forth in the act of Congress providing for its establishment, is to teach such branches of learning as are related to agriculture and the mechanic arts, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life.

The Agricultural College is supported mainly by the proceeds of lands granted to the state by the United States government. The state is required by the terms of the grant to furnish land and buildings for the use of the college. The control of the college is in the hands of trustees appointed by the legislature.

The state has established a Normal School at Cedar Falls for the special training and education of teachers. This school is supported entirely by the state.

Besides these three educational institutions, which all classes may attend, the state maintains three other institutions for the education of unfortunate classes. These are, a college at Vinton, where all blind persons within the state may receive an education; one at Council Bluffs, for the education of deaf mutes, and a school at Glenwood for the education of feeble-minded children and youth.

The state maintains two reform schools; one for girls at Mitchellville, and one for boys at Eldora. The object of these schools is to govern, train, and educate unruly and criminal boys and girls, and prevent them from becoming fixed in a criminal life.

Soon after the Rebellion there were established in the state several homes for soldiers' orphans. These have all been discontinued except the one at Davenport. This institution, as now maintained, provides for a special class of the poor of the state. The supervisors of the county, as we have seen, provide for the poor. They decide what orphan children may be sent to the Orphans' Home. And while the Orphans' Home is controlled by state officials, the expense of keeping the children is paid by the county from which they are sent.

The state has established two institutions for the care and treatment of the insane. One is located at Mt. Pleasant and the other at Independence. These institutions are controlled by the state, but the expenses of keeping the inmates are paid by the counties from which they come. If the supervisors of the county do not deem it a hardship to insane persons or their relatives, they may require them to repay to the county all expenses incurred.

The circuit judge appoints for each county one physician and one lawyer, who, with the clerk of the court, constitute a board of commissioners for the insane of the county. Persons cannot be deprived

of their liberty under the plea of insanity unless by the authority of the board of commissioners. Many of the insane of the state are cared for in county poor-houses.

The state maintains two prisons, or penitentiaries. One is located at Ft. Madison and the other at Anamosa. The object of these institutions is to execute sentences to confinement and hard labor pronounced by district courts of the state against persons convicted of serious crime. A petty crime may be punished by fine and imprisonment in county jail. County prisoners may be required to labor for the county, and the net earnings of said labor go into the county treasury. But in such cases there are usually no net earnings. It costs the county more to furnish tools and proper guards than the labor is worth. But in state's prisons, where large numbers are confined for a long time, the case is different. The proceeds of labor in state's prisons may be made to pay all expenses for maintaining the institutions, and may even be a source of revenue to the state.

All these state institutions are controlled by boards of trustees, or regents, chosen by the General Assembly. The buildings for their accommodation are built by the state, and the expenses of maintenance are met chiefly by a tax levied upon the entire state by the General Assembly.

CHAPTER XI.

OFFICERS OF THE STATE.

In previous chapters frequent allusion has been made to various state officers.

The General Assembly, or State Legislature, as we have seen, appoints the officers who have charge of all the state institutions. The General Assembly is composed of two houses, a Senate of fifty members, and a House of Representatives of one hundred members. Senators and representatives are chosen by the people at the general election in October. Representatives are chosen for two years; and, as the legislature meets only on alternate years, representatives attend but one session. Senators are chosen for four years. They attend two sessions of the General Assembly, and half of them are chosen for each session.

The chief business of the General Assembly is to make laws for the government of the state. All that has been said about school districts,

towns, townships, counties, courts, and state institutions may be taken as a partial description of the laws made by the General Assembly. Every official act rightly performed by officers in school districts, towns, townships, and counties is either required or permitted by laws passed by the state legislature. The legislature, by direct statute, creates counties and provides for their organization. The legislature directs by law the county supervisors to organize counties into townships. Township trustees are required by law to divide the township into road districts. The law requires the trustees, also, to organize the township into a school district. Other statutes provide for the organization of towns and cities, so that all civil government within the state is in accordance with, or under the authority of laws passed by the General Assembly.

A law is first proposed in one house of the General Assembly, and must be committed to writing. In this form it is called a bill. A bill must be read three times before the house, and may be discussed and amended. After the third reading a final vote is taken, and, if a majority of all the members elected to the house vote for the bill, it is passed. It then goes to the other house and is subjected to like process. If the bill passes the other house without amendment, or change, it is sent to the governor. If it is amended, it is sent back to the house in which it originated for approval. The governor receives the bill after it has passed both houses by the required vote. If the governor approve the bill, he signs it and it becomes a law. If he does not approve, he returns the bill to the house in which it originated, with a statement of his objections. This is called "vetoing" the bill. If the bill, notwithstanding the governor's objection, receives a vote of two-thirds of all the members of each house, it becomes a law without the governor's signature. Or, if the governor retain the bill for a longer period than three days before returning it to the house in which it originated, it becomes a law without his signature.

GOVERNOR.

The Governor, as already stated, has important duties in connection with the legislature in making laws for the state. It is his duty, in addition to that of signing or vetoing bills, to collect information about the needs of the state and to recommend to the General Assembly such legislation as seems to him wise. In addition to his duties in securing wise laws, the governor has some duties in the execution of the laws of the state. If a crime is committed within the state and the criminal escapes, the governor, if he thinks best, may offer a reward for his arrest. When a riot occurs and the sheriffs and other

local peace officers are not able to preserve order in their localities, they may call upon the governor for aid. It then becomes his duty to call out enough of the state militia to preserve order. If the disorder becomes general and the governor with the state militia is unable to stop it, he may call upon the President of the United States for aid.

If a criminal, or one suspected of crime, escapes from the state, the governor gives to the sheriff the necessary papers to enable him to secure the return of the criminal to the state. After a person has been convicted of crime and sentenced in a criminal court of the state, the governor may pardon the convict, or remit his fine. But a person convicted of murder in the first degree cannot be pardoned by the governor until he has asked the advice of the legislature.

It is the duty of the governor to visit the state institutions and examine their accounts. The penitentiary he is required to visit quarterly. When vacancies occur in the boards of management for state institutions, in the absence of the legislature, the governor appoints persons to fill them. He also commissions notaries public, and a few other officers. It is sometimes the duty of the governor to order a special election, and on extraordinary occasions he may summon the General Assembly to an extra session.

SECRETARY OF STATE.

In the office of the Secretary of State, kept at the capital, should be found a record of all the acts and resolutions passed by the Territorial Legislature and the General Assembly of the state. He also keeps in his office various other records. All commissions issued by the governor are signed by the secretary of state, and he keeps a record of the same. He also keeps a record of the organization of towns and cities in the state and the population of each. He keeps a record of all the lands owned by the state. He distributes the laws of the state and other public documents.

AUDITOR.

The Auditor of State is its business manager. We have seen in the case of counties that the business managers are the county supervisors, and the auditor of the county is the clerk of the board of supervisors. The state auditor does for the state what the board of supervisors and the auditor do for the county. He examines and settles all accounts against the state. He draws warrants upon the treasurer for money directed by law to be paid out of the treasury. The auditor apportions the interest of the school fund to the several counties

of the state as directed by law. The permanent school fund of the state is kept on interest under the direction and management of state and county auditors. If a county auditor does not succeed in loaning his portion, it is the duty of the state auditor to remove the money to some other part of the state. To protect citizens from losses through the mismanagement of insurance companies and savings banks within the state, the law makes it the duty of the auditor to collect and publish information as to their business management and financial condition.

TREASURER.

The Treasurer has charge of the money of the state. The greater part of the money which comes into the state treasury is received from county treasurers. Whenever the state treasurer receives money from any source he draws a duplicate receipt; one copy is presented to the state auditor. In this way the auditor is made aware of all the money received by the state. The treasurer pays out money only as he is directed by the written order of the auditor. In this way a full account is kept of the funds of the state in two offices.

EXECUTIVE COUNCIL.

The Governor, Secretary of State, Auditor, and Treasurer, or any three of them, constitute an Executive Council. This body provides for and superintends the taking of the census once in ten years. It provides for the incidental expenses of state officers. We have seen that general elections are held by township trustees. These canvass the votes for the township and declare the result for township officers. The votes for county and state officers are sent to the county auditor. The board of supervisors meet, canvass the votes from all the precincts of the county, declare the result for county officers and send the votes for state and federal officers to the auditor of state, who is clerk of the executive council. The executive council meet and canvass the votes from all the counties and declare the final result. In like manner, the revising of assessors' books and the equalization of assessments is first taken in hand by trustees and town council who equalize between individual tax-payers, then by the board of supervisors, who equalize between townships, and finally by the executive council of the state who equalize between counties. There are various other matters of business attended to by the executive council.

Besides the Governor, Secretary, Auditor and Treasurer of State, who are all elected by the people and serve for two years, the General Assembly choose at each session a state printer and a state binder, who attend to the printing and binding of public documents.

THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

is at the head of public school work in the state. He receives reports from county superintendents of the condition of public schools in the counties. Thus, and in other ways, he collects information as to the condition and needs of the schools. He recommends to the General Assembly such changes in the school laws as he thinks the schools of the state demand. He hears appeals from the decisions of county superintendents. He publishes instructions upon various rulings and interpretations of the school laws. He appoints teachers' institutes and sends out lists of questions to be used by county superintendents in examining teachers. These and various other duties are performed by the Superintendent of Public Instruction.

CHAPTER XII.

THE ADMINISTRATION OF JUSTICE.

Some governments do nothing for the education of the people; some do nothing for the poor; public highways receive little or no attention from some governments; but all governments furnish some sort of protection. A government may neglect every other business; it cannot neglect the administration of justice. To do this is to introduce anarchy, or no government.

As the protection of life and property is the one business which the government cannot for a moment neglect, it has come to pass that the offices and the agencies by which this business is done are the oldest and most familiar. Justice of Peace, Constable, Sheriff, Coroner, Juries, are names of offices extending far back into the past and connecting the familiar life of to-day with the life of our remote Saxon ancestors. They had the thief; we have the thief. The officer who caught the thief for them catches him for us. It is this department of government which links us most closely with the remote past.

JUSTICE OF PEACE.

This is an office which has existed for many centuries among the English people. In the earliest times, all Englishmen above the age of fifteen were required to take an oath "not to be thieves or robbers, or receivers of such, and to fulfil their duty of pursuing the thief

when the hue and cry is raised." It was the duty of every one who became aware of a crime to cry out with a loud voice and give chase to the criminal. Every one who heard the cry was bound to join in the chase and to lift up his voice, also, that others might hear. In this way the criminal was pursued till he was caught, or had escaped. This is what is meant by the "hue and cry" of our ancestors.

In the earliest times it seems that the duty of preserving the peace rested equally upon all. But in the year 1195, in the time of Richard Cœur de Lion, a royal decree was issued requiring the people to take the ancient oath to keep and preserve the peace, and at the same time certain knights were appointed for the purpose of enforcing the decree. These were called "conservators of the peace."

These officers were sometimes appointed by the king and at other times they were elected by the people of the locality. At first they had no judicial functions; they simply assisted in executing the laws. In after times the conservators of the peace received special orders from the king "to hear and determine felonies," and in 1361, during the reign of Edward III, they were regularly empowered to hear cases. From that time they have been called *Justices of the Peace*, and their duties as judges have been the more important ones. At first the justices of peace attended to only criminal cases, but afterwards their duties were extended by special statutes to other cases.

As each colony of Englishmen was founded in America, the office of justice of the peace, being the most familiar judicial office to all Englishmen of the time, naturally took its place among the local institutions of the colonies. This office is found in all the states of the Union, being in some of them a town or township office, in others a county office. In some of the states the justices are appointed by the governor, in others they are chosen by the people of the locality.

In Iowa the justice of peace is elected by the people in the township where he resides. Yet for certain purposes the justice is regarded as a county officer. He must remain, however, in the township where he is elected. If he removes his residence from that township he ceases to be a justice of peace.

In Iowa many of the duties performed by the ancient conservators of peace are performed by the sheriff of the county and his deputies. These are empowered by the law to keep the peace, to prevent crime, to arrest any person liable thereto, and to execute legal processes. In this work they may call others to their aid, and, when necessary, the sheriff may summon the power of the county. The justice may arrest a person violating the law in his presence and bind him over to keep the peace, or commit him to prison; he may hear the complaints

of others against a person suspected of an intention to commit a crime and require him to give a bond to keep the peace.

The justice of peace in Iowa is empowered to try all public offenses in which the punishment prescribed by law does not exceed a fine of one hundred dollars, or imprisonment in county jail for 30 days. These cases may be tried before the justice without a jury, unless the person charged with crime demands a jury. If a jury is demanded, six men are chosen by order of the justice, who constitute a jury. They decide whether the defendant is guilty or not guilty of the crime charged, and the justice affixes the penalty.

If a person is charged with some more serious crime, which the law defines as felony and punishes, or may punish, with imprisonment in the penitentiary, the justice may be required to conduct a preliminary examination. In such a case witnesses are summoned and an investigation is made into the evidences of crime, and if it seems to the justice that the evidence against the person is such as to make it probable that he is guilty of the crime charged, it is his duty to hold the prisoner in the county jail until the meeting of the grand jury. In the case of most crimes the prisoner has a right to bail, and it is the duty of the justice to fix the amount of the bail.

In either sort of case, whether it is an actual trial before the justice of a petty crime, or whether it is a preliminary examination on a charge of felony, the person charged with crime has a right to a *change of venue*. This is secured by the defendant's alleging under oath that he believes that he cannot secure justice before the present justice of peace. The case then goes with a copy of all the records made by the justice to the next nearest justice in the county, and there it must be conducted; no farther change can be granted. If a person is dissatisfied with the judgment rendered in a justice's court, he may appeal to the district court and have the case tried anew. There is no appeal from the decision of the justice in the case of a preliminary examination. Yet if the person is sent to jail he may petition any judge of a court of higher jurisdiction in the state who happens to be nearest and most convenient for a writ of *habeas corpus* on the ground that he is unlawfully imprisoned. If, from the showing of facts contained in the petition, the judge is satisfied that the prisoner is not entitled to any relief, he may refuse to grant the petition; otherwise it is his duty to issue an order to the authority having charge of the prisoner to bring his body before the court at a fixed time, and show cause why he is held. If it shall appear in this examination that the prisoner has been unlawfully held, it is the duty of the judge to release him; otherwise he is held as before.

In case a boy or girl, under the age of sixteen and over the age of seven, is convicted of a crime before the justice, or is shown to be a disorderly person, the justice may order them to be taken before a district or circuit judge, who has the power to send them to the reform school of the state.

The justice of peace may try civil cases where the amount involved does not exceed a hundred dollars; or, if the parties agree, a case may be tried before a justice where three hundred dollars are involved. In this way a large proportion of the disputes between citizens is settled before a justice court. Notes are collected, accounts are proved and settled, damages are collected, property is seized for the benefit of creditors. In the trial of a civil case before a justice a jury may be demanded by either party to the suit, and, as in a criminal action, it consists of six persons. In a civil case either party may appeal to the circuit court, and in that court the case may be tried anew.

In a criminal suit witnesses, juries, and all the costs of the suit are paid by the county; but in a civil case the costs are charged to the one who loses his case.

The justice, besides his duties as judge, may do various other things. He may solemnize a marriage. He may hold an inquest over dead bodies in place of a coroner. He may acknowledge deeds and mortgages, tho' this is usually done by a notary public. It is the duty of the justice to enter in a book kept for the purpose a description of estrays taken up, and to send a copy of the description to the county auditor. By the direction of the justice estrays and lost goods are appraised.

CONSTABLE.

During the middle ages each great lord had a companion and commander of his horsemen. He was called *cones stabulus*, or count of the stable. He was the chief military officer of the castle. For a time the highest military officer of the King was, in France and England, called the Lord High Constable. These officers, in England, exercised judicial as well as military and administrative functions. In each castle was a constable who exercised both judicial and military functions. Throughout the towns and shires of England the minor peace officers were called constables. Their duties in early times were scarce distinguishable from those of conservators of the peace who became justices of peace. But, as the justices came to be judicial officers, the constables continued as their ministerial officers, to arrest and hold criminals, to summon witnesses, to empanel juries and to do whatever the court legally ordered. The office of constable came

to America with the English colonists. Miles Standish was constable at Plymouth. Both in England and America the office of High Constable has nearly disappeared and only the local constable remains.

In this state constables, along with marshals, police officers, sheriffs and deputy sheriffs, are peace officers of the state. It is their duty to command the peace, to quell riots, to prevent crimes. A private citizen may, without a warrant, arrest and take before a magistrate any person committing a crime in his presence; or, if he knows that a felony, or a crime punishable with confinement in state's prison has been committed, a private person, may arrest, without warrant, a person who he has reason to believe, committed the crime. It is made the special duty of constables and other peace officers to make such arrests. Usually the constable is ordered, before an arrest is made, to take the person accused of crime and bring him before the magistrate. This order is called a warrant.

The constable is the ministerial officer of the justice' court. It is his duty to subpoena witnesses, select jurymen, make arrests, have charge of prisoners, and do whatever the court orders him to do. As a ministerial officer the constable always acts under orders from the court. As a peace officer he may act upon his own motion. The justice may require any peace officer to act as his ministerial officer, or he may appoint any citizen to serve as constable in case of emergency.

CHAPTER XIII.

SHERIFF AND CORONER.

SHERIFF.

The office of sheriff, like that of justice of peace and constable, is traced back to our English and Saxon ancestors. The head man of the township was called the *tun-gerefa*, or town reeve. The town reeve presided at the town meetings; he with four chief men represented the township in the hundred and county courts. The duties of the reeve were judicial as well as administrative. He was the head man in all local government. As the power of the king and great lords increased, the reeve lost in part his local importance; he was

chosen by the king or great lord and was regarded as the king's reeve or the lord's reeve.

As England came to be divided into shires, or counties, the chief man to carry out the will of earl or of king in the shire, came to be called the shire-reeve, or *sheriff*. This officer in early times often exercised important judicial functions. In Scotland the sheriff is still a judicial officer, but in England and America the sheriff is the chief executive and ministerial officer of all the higher courts held in the county. The sheriff in Iowa holds about the same relation to the district and circuit courts held in the county that the constable does to the justice's court, or the town or city marshal does to the mayor's or police courts. In the counties of the state where the supreme court of the state holds its sitting, the sheriff of the county serves that court in addition to his county business. Courts of the United States are served by United States marshals.

The sheriff has entire charge of the county jail and is himself the jailor or secures some one to serve as such. By himself or deputy he makes all arrests and serves all notices, writs, executions and warrants for the district and circuit courts. If a justice sends a man to county jail, the constable delivers him to the sheriff or his deputy. The sheriff is the chief conservator of the peace in the county, and as such he may order out all able-bodied men to assist in preserving order, or in arresting criminals. The sheriff may pursue a person subject to arrest, to any part of the state and return him to the county. If a fugitive from justice escape from the state, he may be returned by means of a *requisition* from the governor.

CORONER.

There is a clause in *Magna Charta*, given by King John to the English people in the year 1216, which reads: "No sheriff, constable, coroner or bailiff of the King shall hold pleas of the crown." These officers had been accustomed to act as judges in pleas, or suits for violating the king's peace. The intention of this clause of *Magna Charta* was that these officers should, instead of trying cases themselves, bring them before justices or judges to be tried.

The office of coroner had been created in the reign of Richard I., who preceded King John. Some authorities trace the office back still farther to Anglo-Saxon times. The object of the officer as chosen by order of Richard, was to limit the power of the sheriff. He had special charge of the king's business and hence we have the name *coroner* from *corona*, crown. In England, as the power of the crown has declined, the office of coroner has come to be limited to the duty of hold-

ing inquests over dead bodies of citizens. In America the coroner has about the same duties as in England. Where a person in this state is found dead and there is reason to believe that a crime has been committed, it is the duty of the coroner to summon a jury of three persons, subpoena witnesses, make as thorough an investigation as possible, and if the jury find that a crime has been committed, and designate the perpetrator, it is the duty of the coroner to order his arrest. A justice of peace in this state may act in the place of the coroner.

The office of coroner is still associated with that of sheriff, and the coroner takes the place of the sheriff, in case of his death or disability.

CHAPTER XIV.

DISTRICT AND CIRCUIT COURTS.

We read in the Bible that Samuel judged Israel, and went from year to year in a circuit to Bethel, and Gilgal, and Mizpeh, and judged Israel in all those places.

In civilized nations it is customary for men who have a reputation for legal learning to go from place to place and hold courts for the punishment of crimes, or for the settlement of disputes between citizens. I have already quoted a passage from *Magna Charta*, in which sheriffs, constables, coroners and bailiffs, are forbidden to hold pleas of the crown; that is, these local officers were no longer permitted to try serious criminal cases, but were to bring criminals for trial before the king's justices.

It is farther provided in *Magna Charta* that the king's chief justice shall send two justices into each county four times each year, who, with four knights, to be chosen by the county court, should hold a court and settle all cases concerning lands and estates. And, if all cases were not decided on the day appointed, a sufficient number of knights should continue the court till they were. We have here the idea that courts of justice shall be brought conveniently near to the people; and that men skilled in the law shall decide important cases.

For the trial of all serious crime, for the trial of all cases involving the validity of a title to real estate, and for all the more important suits between citizens, and for the probate of wills and questions of guardianship, two courts are provided by law in this state, each hold-

ing at least two sittings a year in each county. Thus the citizens of Iowa enjoy the privileges granted in *Magna Charta*, of having four sittings of a superior court of record in each county every year.

The entire state is divided into districts and each district elects both a district and a circuit judge. In a few of the more populous districts the number of circuit judges is increased. The judges are elected for the term of four years. They are regarded as state officers and are paid out of state funds. But we have seen that the clerk of these courts is a county officer, and the records of the proceedings of these courts, are county records.

These two courts are of equal rank, and there is no appeal from one to the other. All criminal cases appealed from the justice's court, go to the district court; other cases from the lower courts go to the circuit court. The district court has exclusive jurisdiction in the trial of all crimes. The circuit court has exclusive jurisdiction of all probate business, the settlement of estates, guardianship of minors and insane persons. In other matters the two courts have concurrent jurisdiction. Cases may be appealed from either the district or circuit court to the supreme court of the state.

DISTRICT ATTORNEY.

As previously stated, cities of the first and second classes choose an officer whose duty it is to appear on behalf of the city government in all cases at law. The chief duty of the city solicitor is to prosecute persons for violating city ordinances. To prosecute persons charged with crime in a justice's court, the government provides no officer. This is left to citizens interested in enforcing the law. But for the purpose of prosecuting criminals in the district court, a district attorney is elected at the same time and in the same way as the district judge. He follows the district court into all the counties of the district. He assists the grand jury in gaining information and draws indictments, and he appears as the prosecuting attorney against persons tried for crime in the district court.

According to an amendment to the constitution, passed in 1884, the business belonging to the office of district attorney may be otherwise provided for by the legislature.

CHAPTER XV.

THE SUPREME COURT.

The Supreme Court of the state consists of five judges. They are elected by popular vote and hold their office for six years. The court is held in four cities of the state, and there are two terms annually in each. On the first Monday in June and December, the court convenes in Des Moines; at Davenport on the first Monday in April and October; at Dubuque on the third Monday in April and October, and at Council Bluffs on the third Monday in March and September. The chief business of the supreme court is to decide cases appealed from the district and circuit courts of the state. In the supreme court the cases are not tried over again, except it be an equity case, but are simply reviewed for the purpose of correcting errors in the interpretation and application of the law. If the supreme court sustains the decision of the lower court, the case is finally decided. But if the supreme court sets aside the decision on account of some error, the case may be tried over again in the lower court.

The lower courts of the state follow as nearly as they can the decisions of the supreme court. The judges of the supreme court give their decisions in writing. If they agree they unite in one decision. If one or more of the judges do not agree with the majority, they may file a dissenting opinion. A majority of the court may decide a case. If the court is evenly divided the decision of the lower court is sustained.

The records of district and circuit courts are kept in counties, by a clerk elected for that purpose. The records of the supreme court are kept at the seat of government by a clerk of the supreme court elected by the people of the state. His term of office is four years.

All the decisions of the supreme court are binding upon the lower courts and have, hence, the nature of laws. It is important that they be carefully published. The state elects, at the same time with the clerk, a supreme court reporter, whose duty it is to superintend the publication of the decisions.

ATTORNEY GENERAL.

In each judicial district, as we have seen, there is a district attorney, whose duty it is to follow the district court, assist the grand jury in its work and appear on behalf of the state in the prosecution of per-

sons indicted for crime. It is also his duty to give advice to county officers on points of law touching their official work. If a criminal carries an appeal from the district court to the supreme court, the case passes out of the hands of the district attorney, and the attorney general of the state takes entire charge of the prosecution. The attorney general also appears on behalf of the state whenever the state is a party to a suit. It is his duty to give legal advice to state officers on matters of official duty.

CHAPTER XVI.

JURIES.

In May, 1833, soon after the first settlers of Iowa crossed the Mississippi River, and began to work the lead mines at Dubuque, Patrick O'Conner murdered, in cold blood, George O'Kief. What should be done? There was no authorized government in Iowa. The land had just been bought of the Indians, and no provision had been made for its settlement. Some proposed that they should seize O'Conner and hang him at once, but the lawfully disposed prevented this. They took O'Conner to the village and summoned all the miners to a meeting in the open air. Twelve men were selected and arranged on a log, in front of the accused, and he was asked if he had any objection to these acting as a jury in his case. He made no objection. The citizens selected a man to examine witnesses and speak on their behalf, and O'Connor selected a man to act on his behalf. After a brief trial the case went to the jury, and they rendered a decision that Patrick O'Conner was guilty of the crime of murder in the first degree, and that, in one month from the date of trial, at one o'clock P. M., he should be hanged. The sentence was executed precisely as the jury had decided.

The Jury is an important agency in the administration of justice. In many nations there has been something like the jury system, but only in England and in governments founded by Englishmen, has the system been fully developed and preserved. We cannot tell when the jury system originated in England. We find customs which had some influence in forming the jury as far back as our knowledge extends. In those wonderful town meetings of our Saxon ancestors there grew up a custom of the following description: An injured

person would stand up before the meeting, and in a formal manner would state a charge against his supposed injurer. To strengthen his charge he would get twelve men of approved character to join their hands and declare upon oath that they believed his words were true and faithful. The accused person might deny in a formal manner the truth of the charge and produce witnesses of approved character to join hands and swear with him to the truth of his denial.

The object of this custom was to decide the case according to the facts. When this method failed, when witnesses were equally divided, or if for any cause the meeting or court was not able to reach a satisfactory decision, they resorted to other methods of determining the facts. The accused person was thrown into deep water, and if he did not sink he was held to be innocent. Or he was blindfolded and compelled to walk over a space strown with hot irons, and if he was not burned he was held to be innocent. His hand was thrust into hot water, and if he was not scalded he was innocent. The theory was that where man had failed to reach the facts by witnesses, God would in these ways indicate them. This method of trial was called trial by *ordeal*. The method of determining the facts by twelve sworn witnesses was called trial by *compurgation*. The twelve witnesses are called *compurgators*, or fellow-swearers. In either case, whether the trial was by compurgators or by ordeal, the final decision of the case rested with the organized meeting, or court. The accused was condemned or acquitted by the voice of his fellow-citizens in town meeting; or, if the proceedings were in hundred or county court, the representatives of towns and manors in these courts decided cases in the name of the entire communities which they represented.

We have not, in these customs, the jury system; neither do we have much that resembles the jury. But there is this fact which cannot be overlooked in the history of the origin of the jury: twelve men were accustomed to join hands and voices and swear to the same thing in the presence of a body of citizens who were exercising the power of punishing crimes.

There is evidence to the effect that King Etheired [991 A. D.] issued his orders to the sheriffs of the counties that they should choose twelve lawful men in each hundred, whose duty it should be to present to the hundred court for trial, all persons in the hundred suspected of crime. They were to do their work faithfully and to accuse no man falsely. This, it will be observed, is quite similar to the work of our modern grand jury.

When William the Conqueror [1066] and his Norman army came into England and finally settled down to rule the land, the king was in great need of definite and accurate information as to the condition of his kingdom. He wanted to know how many estates there were in the realm, how many people there were on each estate and what was the rank and condition of each person, how much property there was and what were the customary services and rents. To secure the needed information on all these points, he ordered a general survey and census of the realm. One method employed for gaining information was to order his sheriffs to select twelve men of the neighborhood who were required to give, under oath, the facts demanded.

This method of gaining information which the government needed, by twelve sworn witnesses of the neighborhood, was continued under other kings. The twelve sworn witnesses were called *reeognitors*. As twelve men gave the government information as to the ownership of the estates it was but natural that the government should call upon twelve lawful men of the vicinity to assist in settling a case at law when the title to an estate was in dispute. This, in course of time, was exactly what happened. When an estate was in dispute one of the parties might apply to the court for a *recognition*. The sheriff was in that case ordered to summon four knights from the neighborhood. These four knights named twelve men who resided in the vicinity of the estate under dispute, and they were required to state under oath which of the two parties rightly owned the estate. If the twelve agreed, the case was settled; but if the twelve did not agree, then others were summoned, till twelve men were found who would make oath to the same thing. This sort of trial was called trial by recognition.

Twelve men swearing to the same thing furnished the government information as to the number, rank and condition of the people; and upon this information the government based its system of taxation and military service. It was but natural that the government should adopt the same method for gaining information as to the law-abiding or criminal character of the citizens. This, in course of time, the government did. Persons suspected of crime were presented to the court for trial by twelve sworn witnesses of the neighborhood. In the system of courts adopted by Henry II, [1166] provision was made for the regular summoning of twelve men from each hundred, and four from each township, a part of whose duties it was to present to the court persons for trial. Such a presentment was made by the oath of twelve men of the vicinity charging the individual with a definite crime. The person was then tried by ordeal or by battle. If the or-

deal failed to convict the person of the crime charged against him, he was, nevertheless, banished from the realm on account of the oath of his neighbors charging him with crime. We have in these laws a mixture of two methods of trial; witnesses were used to present the person for trial, upon their own knowledge of the case, and the ordeal was used to prove the validity of the charge.

Before the giving of Magna Charta [1216] trial by ordeal had been abolished throughout Christendom by the authority of the Church. In England, without any reference to this general action of the Church, a habit had grown up of substituting a jury for the ordeal in the trial of a criminal. This jury was called a Petit Jury, to distinguish it from the larger jury, which receives the name of Grand Jury. In the grand jury there were twelve lawful men from the hundred and four from each township in the hundred. The exact number would depend upon the number of townships in the hundred. In later times the grand jury came to consist of twenty-four persons. Twelve names were always required for an indictment or a presentment, and as this was only half of the jury of twenty-four the number was changed to twenty-three, so that the indictment would be signed by a majority. This is, at present, the number of an English grand jury. In America the number is not the same in all the states.

The history of the grand jury, or the jury of accusation, is simple, and has been subject to few changes. The other work of juries is much more complex, and has undergone many changes. Magna Charta contains three allusions to the institutions out of which our trial jury has come. The first provides that three varieties of civil cases shall be tried in county court, by the king's justices; and it seems to be assumed that this will be done by *recognitions*. We have seen that a recognition is had by the summoning of twelve recognitors who shall, under oath, agree to the same facts. The second clause provides that fines shall be assessed by the oath of honest men of the neighborhood. This again, was by twelve witnesses, or recognitors, who made oath from what they knew of the case. The third is the part of Magna Charta most frequently quoted. "No freeman shall be taken or imprisoned, or disseized, or outlawed, or exiled, or anyways destroyed; nor will we go upon him, nor will we send upon him, unless by the lawful judgment of his peers, or by the law of the land." This is held to be a general statement of the principle out of which trial by jury has come. rather than any allusion to specific customs.

We have seen that before the coming of the Normans, two methods of trial were common in English courts; trial by ordeal and trial by

compurgation, or the sworn testimony of twelve witnesses on either side of a case. The Normans, it seems, were accustomed to trial by ordeal but were not accustomed to trial by compurgation. The Normans had one method of trial which was wholly new to the English. It was trial by battle. Two men would fight in the presence of the court and the case was decided by the result of the battle. This method was offensive to the English; yet among the Normans it seems to have been the method in common use. The English, in towns and boroughs where they were massed together and were in a condition to preserve most of their ancient customs, held on to their method of trial by compurgation. Trial by battle prevailed in the country where the Norman lords were supreme. In course of time this method was forced upon most of the towns as well. This was not done without a contest. If the English yielded to the more brutal Norman method, they, at least, held to the memory of their own more just and rational way. Two stories preserved to us from this period of our history give a vivid picture of this contest.

I copy from Green's History of the English People: "At Leicester the trial by compurgation, the rough predecessor of trial by jury, had been abolished by the Earls in favor of trial by battle. The aim of the burgesses was to regain their old justice, and in this a touching incident at last made them successful. It chanced that two kinsmen, Nicholas, the son of Acon and Geoffrey the son of Nicholas, waged a duel about a certain piece of land, concerning which a dispute had arisen between them; and they fought from the first to the ninth hour, each conquering by turns. Then one of them fleeing from the other till he came to a certain little pit, as he stood on the brink of the pit and was about to fall therein, his kinsman said to him, 'Take care of the pit, turn back, lest thou shouldst fall into it.' Thereat so much clamor and noise was made by the bystanders and those who were sitting around that the Earl heard these clamors as far off as the castle, and he enquired of some how it was there was such a clamor, and answer was made to him that two kinsmen were fighting about a certain piece of ground, and that one had fled till he reached a certain little pit, and that as he stood over the pit and was about to fall into it the other warned him. Then the townsmen being moved with pity, made a covenant with the Earl that they should give him threepence yearly for each house in the High Street that had a gable, on condition that he should grant to them that the twenty-four jurors who were in Leicester from ancient times should from that time forward discuss and decide all pleas they might have among themselves."

The other incident is from the history of St. Edmundsbury, and it

gives an insight into the way in which the English method of trial by compurgation, preserved or regained in English towns, was extended to the surrounding country. The townsmen of St. Edmundsbury were living in the enjoyment of the right of trial by compurgation; while just outside the walls of the town the Norman method of trial by battle, prevailed. A man by the name of Kebel was tried by battle, and the battle went against him. He was accordingly condemned and hanged just outside the walls of the town. It seems that Kebel's neighbors knew that he was innocent, and the townsmen said "Had Kebel been a dweller within the borough he would have got his acquittal from the oaths of his neighbors, as our liberty is." The monks, who were lords of the estate, were thereupon moved to extend the same liberties to their tenants.

It would seem, if we viewed these incidents alone, that the English possessed the seeds of trial by jury and the Normans were trying to destroy them; yet the fact is these kings from France did much for the establishment of the jury system. The method of getting all sorts of information which the government needed, by twelve witnesses from the neighborhood, was an ancient French habit. To England this was entirely new. Had it not been for this French method of inquest by sworn witnesses, we have no good reason to believe that the jury system would have been fully developed. When these foreign kings called to their courts twelve lawful men of the vicinity to decide on oath, who was the rightful owner of a piece of land under dispute, they did a thing quite agreeable to the English people because it gave them a means of escape from the dreaded trial by battle, and it was in accord with their own ancient customs; yet, from the standpoint of the kings themselves, it was simply an application of their own peculiar system. When these French kings required sworn witnesses of the hundred to present to their courts for trial such persons as were suspected of crime, they did a thing not out of harmony with English custom, for English kings before had done the same; yet to the Frenchman it seemed an application of his own method of inquest by sworn recognitors. When the courts established by Norman kings took the persons presented for trial by the oath of recognitors and hurled them into deep water as a farther test of the question of guilt or innocence, they did what both Frenchmen and Englishmen were accustomed to see; yet to Frenchmen and Englishmen alike this method was becoming unpopular. And when, in 1215, the year before Magna Charta, the Church decreed that there should be no more trial by ordeal, the Englishman was on hand with an ancient custom, preserved in his towns through ages of revolution, which

seemed well fitted to take the place of trial by ordeal. The Frenchman, at this point left to himself, would have substituted trial by battle for the ordeal.

But these kings from France, on account of their national system of inquest by witnesses, were now ready when the ordeal was abolished, to put in its place twelve sworn witnesses from the neighborhood of the person charged with crime, whose duty it was from their own particular knowledge of the facts, to either affirm or deny the charge. If the twelve persons agree the case is decided upon their oath; if they do not agree others are added till twelve are found who make oath to the same thing. When this system was established by foreign kings the Englishman had no farther use for his venerable custom of trial by compurgation; the French recognition has in it all that is valuable of the English compurgation. It was this union of French and English which gave to England the jury system. The national system of inquest by recognition would never have produced the jury if it had not been for the strong and persistent customs of local government in the English towns. The local customs of England would not have been organized into a national system had it not been for the French inquest.

It will be observed that the twelve recognitors who take the place of the ordeal are not jurymen in our sense of the word; they were witnesses rather; they were chosen because of their special knowledge of the case; they decided the case upon their own knowledge; they received no information from others. In the time of Henry III. special witnesses were sometimes summoned and united with the jury in their verdict. Mention is made in the year-book of Edward III (1327) of special witnesses being joined to the jury to give them information, but they did not join with them in the verdict.

A more important change occurred during the reign of Henry IV. (1399-1413). All evidence was presented in open court so that the judges might exclude improper testimony. This change paved the way for the development of the rules of evidence in the common law of England and America, and it "opened the flood-gates of forensic eloquence" on the part of advocates.

After this time no one can fail to recognize the modern jury. Witnesses are examined and cross-examined and the judge instructs them as to the sort of evidence to be used in making up their verdict; attorneys argue the case before the jury; yet there were still left some of the characteristics of the ancient recognitors and compurgators. Juries were still chosen because of their supposed knowledge of the case; they still used their own personal knowledge in addition to the

testimony received in court in making up their verdict. It was not until the time of Queen Anne, a hundred years after the founding of Jamestown, that the English courts held that if a juryman used his own knowledge in making up his mind in the case, he should be sworn as a witness and examined in open court. There were later rulings to the effect that a juryman should not be a witness, and that the case should be decided entirely upon evidence presented in court.

The jury system was established in America by Englishmen. It is found in nearly all the states. In Iowa three persons constitute a jury for holding an inquest over a dead body. A jury in a justice's court is composed of six persons. The trial jury in the district and circuit courts numbers twelve.

The laws of Iowa provide for a grand jury in each county. Seventy-five persons in the county are named by the judges of election in the voting precincts and the names are sent to the county auditor. Twenty days before the opening of the district court, the auditor writes out on slips of paper the names of all the persons liable to be drawn for jurors. The clerk of the court puts these names into a box, mixes them thoroughly and draws out fifteen. The persons whose names are thus drawn are notified by the sheriff to appear and serve on the grand jury during the sittings of the district court for the space of one year. No person can be tried for crime before the district court, except on appeals, unless the grand jury makes an indictment against him. Twelve of the fifteen jurors are required to approve the indictment. The grand jury has nothing to do with any except criminal cases. As the circuit court tries no criminals the grand jury does not meet during its sessions.

Along with the seventy-five names sent by the judges of election in the precincts of the county, one hundred and fifty other names are sent, or, in the more populous counties, two hundred and fifty. These names are kept in the office of the auditor, and from them trial jurors are drawn to serve in the district and circuit courts. These are drawn by the clerk of the courts and summoned in the same manner as grand jurors.

Trial juries are used in both criminal and civil cases. In criminal cases the trial jurors hear all the evidence in the case, and the arguments of attorneys, receive instruction in the law from the judge, and then render their decision or verdict. In criminal cases the jury usually determines merely the question of the guilt or innocence of the party. In Iowa, however, in case of conviction for murder in the first degree, the jury determines whether or not the convict shall be hanged. In other cases the court affixes the penalty.

CHAPTER XVII.

NOTARY PUBLIC.

Among the Romans, as early as the time of Augustus, B. C. 27, those who prepared contracts were accustomed to note down in brief what was said, write it out in full afterwards and secure the signatures of the contracting parties. These were called *notarii*. From these we get the name notary. At first the Roman *notarii* in order to have the contracts which they drew up accepted as evidence by the courts, were obliged to go before a magistrate and make a declaration of their tenor and have them entered upon the public records.

Later, a class of officers arose who had authority to draw up contracts and statements which were accepted by the courts without being attested by a magistrate. These officers among the Romans received a different name, but their work corresponds to that of the modern notary public. Modern European nations adopted the office from the Romans. During the middle ages notaries were appointed by popes or emperors.

The office of notary is familiar in all civilized and commercial nations. In England notaries are appointed by the Archbishop of Canterbury. In most of the states of the Union they are appointed by the governor. Notaries in the United States are, in a certain sense, county officers, in that they must state in their notices that they are notaries public "in and for —— county." In Iowa, if a notary changes his residence to another county he ceases to be a notary.

Business men generally prefer to have all deeds, mortgages, and important papers attested by a notary public, or some officer who has a seal, rather than by a justice of peace. If parties outside of Iowa wish to make a conveyance of land in Iowa, they are required by law to have the deed acknowledged before an officer with an official seal, or, if before a justice, the fact that he is a justice must be attested by an officer with an official seal. The governor, in addition to the notaries in all parts of the state appoints a number of notaries and commissioners for Iowa in other states.

Business men of Iowa prefer to have deeds attested by an officer whom our governor has appointed rather than by a local officer in other states. If in a foreign country one wishes to make a transfer of

the title to land in Iowa, he must have it acknowledged before a consul or some United States officer, or, if before some foreign officer, a United States officer must certify to the legality and genuineness of the acknowledgement.

CHAPTER XVIII.

DEPARTMENTS OF GOVERNMENT.

The work of governing has three quite distinct parts. First, it must be decided what the government will do, and how it will do it; that is, laws are made or adopted, and ways and means provided for carrying these laws into effect. This department of the work of governing belongs to what is called the Legislative Department. The actual doing of the things determined upon and provided for by the legislative department, is left to what is called the Executive Department. All laws are not understood, and laws which are understood, are not obeyed; crimes are committed, rights are violated, grievances arise, disputes occur between citizens which they cannot settle. To interpret the law and apply it to particular cases, to determine the rights of litigants, and to enforce the law against criminals, courts are established. This part of the work of governing, belongs to what is called the Judicial Department.

For the legislative department in the state, we have, first, the state legislature, which makes general laws and establishes and provides for the support of state institutions; second, local boards in counties, townships and school districts, which, in obedience to state law, establish local institutions and provide for the support of local government; third, town and city councils, which make local laws for the government of towns, and provide for the support of town government. The local boards of counties, townships and school districts are executive rather than legislative bodies. The town council is, in part, an executive, but is chiefly a legislative body.

The work of the legislative department is but a small part of the work of governing. The state legislature holds a session of two or three months, once in two years. It is called the law-making body, yet it makes few laws. The great body of laws under which we live has existed for centuries. Our legislatures have adopted them. Only such slight changes and additions are made as increased experience

and changing circumstances seemed to demand. The state government is as often injured by too many statutes as by too few. The first state legislature put the business management of our county governments into the hands of three men, elected by the county; another legislature afterward put it into the hands of one man; another, still later, put the county management into the hands of a body of men, chosen, one by each township; again this was changed, and the board of three supervisors was established. Now, if this is really the best system, it would have been better for the state to have chosen legislators wise enough to let the first law alone.

Law-making, from the very nature of the work, is limited. The work is finished when the best possible laws are established; but, as we are never sure that we have the best, we keep constantly striving to get them. A city council soon enacts the ordinances essential to the city government, and the work of the council, after that, is to make slight additions or changes to meet new demands.

The work of executing the laws, on the other hand, does not diminish. The executive is the constantly working department of government. It is often called the government, because it is the part most seen. The great body of the officers of government belong to the executive department. The general legislative work of the state is performed by one hundred and fifty men, actively employed two or three months in each alternate year. This work is supplemented by local boards in counties, townships and school districts, and by city councils. The executive work of government in the state employs a great army of officers. There are seven thousand five hundred sub-directors. There are more than three thousand independent school districts. In each of these is a school board, consisting of from three to six persons. Altogether, for the administration of the school law in all the school districts of the state, there are not less than twenty-two thousand officers. The officers charged with the government of the civil townships of Poweshiek County number two hundred and fifty-five. This county is of average size, and little more than average population. At this rate, the civil township officers for the entire state are twenty-five thousand. Add to these the officers for the government of towns, and the number cannot be less than fifty thousand. For the administration of county government, there are more than a thousand officers. The state executive officers and the officers in charge of state institutions number less than a hundred.

From these facts it appears that the greater part of the executive work of the state is in the hands of local officers within the limits of the civil township. These officers are nearly all chosen by the voters

of the town, township and school district, in whose interest they administer the laws. The actual work of these officers is by no means so great as their number would indicate. Most of them spend only a small portion of their time in official service, and many of them receive no compensation. The aggregate work of these officers, however, is great, much more than the executive work of county and state government.

There are a half-dozen officers in each county whose official duty requires their entire time, and some of them employ assistants. There are also a few state executive officers who are thus employed. The Governor is called the State Executive, or the chief executive officer of the state; yet, ordinarily, he has almost nothing to do with administering the laws of the state. His duties in connection with the making of laws are much more important. State laws are executed by counties, townships, towns, and school districts.

The legislative department has determined what shall be done by way of government, and executive officers have been chosen to do the things prescribed; but, if a particular executive officer fails or refuses to perform his duty, government is thus far at an end, unless a remedy is provided. One remedy which the law provides in such a case is to bring the delinquent before a court and compel him to do his duty, or punish him for refusing. Courts are thus used as a compelling force to the executive. But the greater part of the work of courts is to settle cases which arise between individuals in their ordinary business transactions. The law is not understood, or, if understood, it is not willingly observed by both parties; there is a disagreement as to facts, or, from some cause, one party is aggrieved, and he seeks relief by bringing the case before a court. The question as to the facts may be determined by a jury who hear the testimony. The court declares the law in the case, and renders a decision according to law. When a crime is committed the state is the aggrieved party, and action is brought in the name of the state.

Courts, in the objects which they accomplish, are closely allied to the executive work of governing, but in the means which they use in deciding cases, they are allied to the legislative department. They interpret the law, add new meaning to the law, and, in effect, make new laws. It is impossible, in written statutes, to provide for all the particulars and details which may arise in the administration of the law. The statutes are general in their terms; they embody principles of justice. The courts apply the law to particular cases.

The decisions of higher courts have the force of law with lower courts. As these decisions multiply, the additions to the law from

this source come to be of great importance.

The legislative, executive and judicial work are not entirely in the hands of separate officers. The local boards in counties, townships, school districts, and town councils, have both legislative and executive functions. The mayor, as a member of town council, has legislative duties; he is chief executive officer of the town, and he may be the chief judicial officer of a town. The justice of peace has chiefly judicial duties, but he has some executive duties.

There are acts of government which are not easily classified, and it is not wise to push this division into departments too far. Such a division is useful so far as it is an aid to the understanding of government. If it is carried out too minutely, it becomes a source of confusion. A court cannot perform its work without a ministerial officer to execute its processes. Does this officer belong to the executive or judicial department? A justice of the peace is his own clerk, keeps his own records. The district and circuit courts have their records kept by the county clerk. To which department of government does the county clerk belong? These are fruitless questions. If you know what constables, sheriffs and marshals do, and what clerks of courts do, you have all that is essential. It is a matter of little consequence where they are classified. It is only among the higher officers of government that this division into departments is of real importance.

OUTLINE OF THE THREE DEPARTMENTS OF GOVERNMENT IN THE STATE.

I. Legislative.	1. { GENERAL { Senate. ASSEMBLY. { House.	Make general laws for the State, and provide for support of State institutions.
	2. COUNTY SUPERVISORS.	Establish local institutions and provide for the support of local government.
	3. TOWNSHIP TRUSTEES.	
	4. SCHOOL BOARD.	
	5. TOWN OR CITY COUNCIL.	Makes laws for government of Town, and provides for support of Town government.
II. Executive.	1. STATE	{ Governor. Lieutenant-Governor. Secretary of State. Auditor. Treasurer. Superintendent of Public Instruction. Officers in charge of State Institutions.
	2. COUNTY	{ Board of Supervisors. Auditor. Treasurer. Recorder. Sheriff. Coroner. Clerk. Surveyor. Superintendent.
	3. TOWNSHIP	{ Road Supervisors. Trustees. Clerk. Assessor. Justices. Constables. School Officers.
	4. TOWN OR CITY.	{ Mayor. Recorder. Council. Treasurer. Assessor. Police.
III. Judicial.	1. SUPREME COURT.	
	2. COURTS OF RECORD.	{ District Court. Circuit Court.
	3. JUSTICE'S, MAYOR'S, AND POLICE COURTS.	

CHAPTER XIX.

THE STATE AND NATIONAL GOVERNMENT.

There are other advantages of government which the people of Iowa enjoy in common with all the people in the United States. Each state has a government which performs nearly the same acts as those performed by the state of Iowa. The government of a state is limited strictly to its own geographical boundaries. A man commits a crime and escapes from the state; the state has no power to bring him back. A law of the United States enables the state to do this. A debtor changes his residence beyond the limits of the state; the creditor can find no power in the state to bring him back. A law of the United States gives the creditor all the benefits of the courts in the state where the debtor is found, that the citizens of that state enjoy. If local prejudice prevents him from securing justice, he can bring his action in a United States court.

A citizen traveling in a foreign country has no protection from his state government. The United States government has officers placed in all the leading cities frequented by American travelers and traders, to look after their rights and interests. Mr. Parsons, an American citizen, was murdered in Turkey. No one thought of asking in what state Mr. Parsons was born, or in what state he lived. It was the United States government which demanded of the Turkish government that the murderer of Mr. Parsons should be punished.

Persons in the states communicate, through the mails, with all parts of the world. This business is entirely in the hands of the national government; it is the part of the United States government with which we are most familiar. Postmasters and mail agents are everywhere seen, and the work which they perform brings them in contact with all the people. A postoffice is located in every town and neighborhood, but the postal service is not local, it is national and international; it involves business transactions with all civilized nations. It belongs, therefore, to the national and not to state government.

The United States government supplements the government of the state, in that it enables the state to recover its escaped criminals; it enables the citizen of a state to enforce his claims against citizens of other states, and it assists the state, in case of rebellion or invasion, to protect its citizens and maintain order. The United States government keeps the peace between the states. They have no dealings

with each other except under United States law, or through United States officials. The state government is limited to matters of local interest. The United States government is limited to matters of national interest.

In addition to the postal service, one of the greatest blessings secured to the people through the national government, is free intercourse and commerce throughout all the states and territories. Business and travel know no state lines. There is a common protection, and a common administration of justice. All labor and all produce are free to find and enjoy the best markets. In order to secure to all sections of the nation the full advantages of this free commercial intercourse, there is need of a common standard of value. This is secured by the United States government fixing upon a coin of a given weight and purity, as the standard of value, and forbidding to the states the right to coin money, or to make anything a legal tender except the coin established by the national government. All civilized nations use gold or silver as a measure of value, but, as a matter of convenience, paper bills, promising to pay coin, have come into general use in effecting exchanges. These bills have no value except as they enable the bearer to secure the coin of which they are the promise. Such bills have sometimes been issued by state banks, and at other times by national banks. But, to secure equal protection to all sections, it is necessary that such bills should be under the control of the national government.

In form the United States government is similar, in many respects, to the state government. It has a legislative department, called Congress, consisting of two houses, Senate and House of Representatives. The Senate has seventy-six members and the House two hundred and ninety-three.

There is an executive department, of which the President is the head. This department is charged with the duty of carrying into effect the laws of Congress in every part of the world.

There is also a judicial department, which interprets the laws and assists the executive in carrying the laws into effect.

We have seen in the state of Iowa that one hundred and fifty men are chosen to make the laws for the government of the state, and fifty thousand officers are chosen to carry the laws into effect.

In the general government three hundred and sixty-nine men are chosen to make the laws, and more than sixty thousand are selected to carry the laws into effect.

In the state government, of the fifty thousand chosen to administer the laws, the greater part spend only a small portion of their time in

the work of their office, and many of them get no pay for what they do. In the United States government, the greater part of the sixty thousand chosen to execute the laws, are expected to spend all their time in the service of government, and they are paid for their entire time.

The filling of nearly all of the state executive offices, is put into the hands of the towns, townships, school districts and counties, and the officers are chosen by the votes of their neighbors, in whose behalf they administer the laws.

One executive office of the United States is filled by an election. This is the Presidency. The other executive officers are appointed. There are more than sixty thousand of them. Their duties require that they shall be scattered in every part of the country, and many of them in other parts of the world. To secure the proper persons to fill all these offices, and to secure efficiency, economy and honesty in the work of all these officers, is an arduous task. This task is laid upon President. He either makes the appointments himself, or appoints other men who do this. The appointments to the chief offices are made by the President and confirmed by the Senate.

From these facts it appears that there is a vast difference between the executive department of the state of Iowa and that of the United States government.

The governor of the state has very little to do in the work of executing state law. The President of the United States is made personally responsible for the doing of a work that requires the constant labor of more than sixty thousand persons. The work is of many kinds and in many places, and he must find his men and do the work.

If the state of Iowa should abolish all township, county, and city governments, and should make it the duty of the governor to find and appoint to office, all the persons necessary to carry all the laws of the state into effect, then the executive of the state would be similar to the United States executive. The United States executive is centralized and personal; the state executive is decentralized and in the hands of local municipalities.

The courts of Iowa and the courts of the United States have many points of similarity. The Supreme Court of Iowa has five judges, and hears appeals from district and circuit courts. The Supreme Court of the United States has a chief justice and eight associate judges. It has original jurisdiction in cases affecting ambassadors and states, and hears appeals from district and circuit courts of the United States. Iowa district and circuit courts number fourteen each. They have the same geographical limits, and, in ordinary cases, con-

current jurisdiction. The circuit courts of the United States are nine in number, and the district courts are forty. They have concurrent jurisdiction in some cases, but the circuit court is a higher court, and, in some cases, hears appeals from the district court; in other cases, the appeal from the district court is to the supreme court.

There are United States commissioners who hold preliminary examinations in cases of persons charged with crime against the United States. These officers do a work corresponding to that of the justice of peace in cases of serious crime—examine and commit to prison the person against whom sufficient evidence of crime has been brought. The person is then held till the case can come before a grand jury, and a district or circuit court of the United States.

Besides the supreme court, circuit and district courts and United States commissioners, there is a court of claims, in which claims against the United States are heard and adjusted. There are also courts for the government of territories, and the District of Columbia.

The judges in Iowa are all elected by popular vote, for a term of years, two being the shortest and six the longest term. United States judges, commissioners, marshals, clerks, and all who have anything to do with judicial work are appointed. The judges are appointed for life, or during good behavior.

All together, those who serve and receive pay from the United States government in all departments during each year, are about one hundred thousand, not including the army and navy. Of these, all except congressmen, president and vice-president are appointed or hired. There is thus a great army of officials and employes dependent upon the government. Since 1829, it has been customary to appoint to office only the members of the political party which has succeeded in electing the president. Under this system, our presidential elections become a contest, not for one place of trust and profit, but for a hundred thousand. If one candidate is elected, a hundred thousand men are in danger of losing their places; an opposite result disappoints a hundred thousand more, who expect to get desirable positions. Two hundred thousand men have a personal and pecuniary interest in the results of a presidential election. With political parties almost equally divided, the change of a few hundred votes will sometimes determine the result; and, as there are already thousands actuated by pecuniary and personal considerations, the temptation is very strong to extend pecuniary considerations to the few hundreds more, necessary to secure the prize. While we had as a political issue an institution which involved the ownership of four millions of slaves, the contest for office was overshadowed by a real political question.

But with the disappearance of this overshadowing issue, the contest between political parties becomes more and more a contest for the personal and pecuniary advantages of office. Political questions hold a secondary place, and are often put forward as mere mask. In such a contest, the most unscrupulous enjoy great advantages.

In our state elections, each office stands on its own merits. There are usually just two men who have a personal and pecuniary interest in the result of the election to each office. The prize is just what it seems to be, an office and a salary, nothing more. In such an election, personal and pecuniary considerations have little effect on the election. Voters are influenced by political questions. Candidates have no patronage to offer. They promise, instead, some public advantage, some improvement in the government. The overpowering personal and pecuniary influences can be removed from our national elections by ceasing to treat the thousands of offices as a political prize—that is by filling the offices with sole reference to fitness for the duties. This was the policy introduced by Washington, and continued with little modification till Jackson inaugurated the spoils system.

Thus far, nothing has been said of our written constitutions. Those who are familiar with the facts of state and national government have already mastered a large part of these constitutions. These documents simply say that the various departments of government shall exist, and the various officers shall do the things which they are seen to be doing. These constitutions also forbid the government to do certain things which the people who ratified them feared that the government might do, to the injury of the people, if they were not expressly forbidden. The national constitution forbids certain things to the states; it confers certain powers upon the United States government. It is understood that the state government has a right to perform any act of government not forbidden in the national or state constitution, and that the national government has no right to interfere with the state in the exercise of its constitutional powers.

Questions of constitutional law and interpretation should not be introduced until after a thorough mastery of the facts of government. Our written constitutions are the outgrowth of long-established habits of government. Thousands of years before written constitutions were thought of, the Saxon race had a habit of attending to their own local affairs. When you begin the study of town and township government, you reach at once what is in reality oldest and most fundamental in our constitution. Out of this habit of local self-government, so firmly fixed that no tyrant could ever destroy it, has come the

power of the people in national government. The national government and national constitution are understood, when they are approached, step by step, from local government. The attempt to reverse this order, leads to confusion and error.

CHAPTER XX.

COMPENSATION OF OFFICERS.

Teachers are often confronted with the troublesome questions: How is this officer chosen? How much is he paid for his services? What is his term of office? The object of this chapter is to group together in compact form some answers to these questions.

The President of the United States is chosen by electors in the several states, who are themselves chosen by the people. His term of office is four years, and he receives a salary of \$50,000.

The Vice President of the United States is chosen in the same manner and at the same time as the President. His salary is \$8,000.

United States Senators are chosen by the legislatures of the states. They serve six years, and receive a salary of \$5,000. In addition to salary their travelling expenses are paid, and there is an allowance of \$125 for stationery, &c. There are two Senators from each state.

The States are divided into Representative Districts, and each district chooses by a popular vote a Representative to Congress. These serve two years and receive the same compensation as Senators. The number of Representatives is three hundred and twenty-four.

The Speaker of the House of Representatives receives a salary of \$8,000.

The members of the President's Cabinet receive \$8,000 per year. They are seven in number, are appointed by the President, and have no fixed term of office.

The one hundred thousand persons, more or less, who are required to do the executive work of the Federal Government, are all of them appointed. The more important are appointed by the President, with the approval of the Senate; others are appointed by the President alone, or by the heads of departments or other persons whom the President has appointed. Some are simply hired as laborers and receive no regular appointment.

The compensation of these public servants varies from the wages

of ordinary unskilled laborers, to \$8,000. The post-master of New York City receives \$8,000.

The term of office for many of the public officials is fixed by law at four years. Others have no fixed limit.

The Chief Justice of the United States is appointed by the President with the approval of the Senate. He receives a salary of \$10,500. The eight Associate Justices of the Supreme Bench receive salaries of \$10,000 each.

There is a Circuit Judge for each of the nine circuits of the United States, who receives a salary of \$6,000.

There are about sixty District Judges, and they receive a salary of \$3,000 or \$4,000.

All judges in Federal courts are appointed by the President with the approval of the Senate, and they "hold their office during good behavior."

STATE OFFICIALS.

In the United States Government the offices are filled chiefly by appointment. In the state nearly all offices are filled by a popular election.

State Senators are chosen in senatorial districts. They are fifty in number, serve four years, and receive \$550 per session and 5 cents mileage.

Representatives are chosen by districts; are one hundred in number, serve two years, and receive the same compensation as Senators.

The Governor receives a salary of \$3,000. The Secretary of State, Auditor, Treasurer, and Superintendent of Public Instruction receive each \$2,200.

Judges of the Supreme Court receive \$4,000. The Attorney General receives \$1500 salary, and five dollars per day in addition for time occupied in the courts.

District and Circuit Judges receive \$2,200. District Attorneys receive \$600 salary, and attorney's fees in addition for cases in the courts.

County clerks of the District and Circuit Courts are paid out of fees collected in the office. Clerks in the less populous counties are allowed to retain fees collected in their office to the amount of \$1100; all received above this sum they are required to pay into the county treasury. In the more populous counties the limit is \$1200 or \$1500. The Supervisors of the county may increase this sum in counties of more than forty thousand inhabitants.

The Sheriff receives a salary, fixed by the supervisors, of not less

than \$200 nor more than \$400, and in addition the legal fees connected with his office.

Members of the Board of Supervisors are paid \$4 per day for session-work and \$2.50 per day for committee work. They are allowed 6 cents mileage, and are not allowed pay for more than twenty days session-work per year, in the less populous counties, nor more than forty days in the more populous.

The County Recorder is allowed all the legal fees of his office.

The County Treasurer receives a per cent of the moneys handled by him, but the aggregate sum received cannot exceed certain fixed sums, depending upon the population of the county and the existence of township collectors. The least sum fixed for a Treasurer is \$1,200. and this in counties having township collectors. The largest sum fixed is \$1,500. This may be increased by the Board of Supervisors.

The County Auditor receives the fees collected in his office. His compensation is limited by the statute to \$1,200. The Supervisors may increase this sum in the more populous counties.

The County Surveyor receives \$4 per day for his services, and is paid by those who employ him. He is allowed fifty cents for a certified copy of field notes.

The Coroner receives five dollars for the holding of an inquest, and certain other fees.

The County Superintendent of Public Instruction receives \$4 per day.

The Supervisors have power to hire assistants for the various county officers. The maximum salary for an assistant is \$600.

The Supervisors may hire a superintendent of the Poor-Farm, bridge-builders, and such other assistants as the county needs.

In cities and incorporated towns the compensation of the council or trustees shall not exceed one dollar for each member for each meeting, and shall not exceed \$50 per year.

The Mayor of a city or town is paid such a salary as the city or town government may establish by ordinance, and the salary can be neither increased nor diminished during his term of office.

Marshals in towns and cities are paid out of fees collected by the courts.

Town and city councils have quite a large range of power in the employment and compensation of needed public servants.

Township Trustees are paid \$2 per day for time of actual service, and are allowed special fees for fence-viewing and other services.

The Township Clerk receives \$2 per day and is allowed fees, and five per cent of the money coming into his hands as treasurer.

The Assessor is allowed \$2 per day for time of actual service.

Justices and Constables are paid from fees connected with their service.

Jurors receive \$2 per day, and ten cents mileage. Witnesses in justice's court receive 50 cents per day and five cents mileage; in a court of record, \$1.25 and five cents mileage.

For experts the court may allow special compensation.

Road Supervisors are paid daily wages fixed by the Trustees.

School officers, for the most part, serve without pay.

Any session of the legislature, or of Congress, in the case of Federal officers, may make changes in the compensation of officers.

CHAPTER XXI.

SUGGESTIONS FOR ORIGINAL STUDY.

Some teachers have succeeded in awakening an interest in civil government by holding elections in their schools, and in this way choosing pupils to certain offices. These are expected to inform themselves in any way they can of the duties of their office, and report to the school. There may be organized in the school, a school district, a township, a town or city government, and a county government, giving sufficient time to each one to master the chief facts. Some teachers have had good success with this plan of instruction.

Each school should make a special study of the peculiarities of its own locality. If it is a country school, note how many districts there are in the township. How many pupils there are in each school. Could the school-houses be so located that each school would have enough pupils and all of them be conveniently near the school? Which is the better shape for a district, the one indicated in Fig. 1 or Fig. 2. How much saving in money to the township if the districts contain five square miles instead of four? What is the cost of the bridges of the township? How much money is expended in all upon the roads of the township? How much in grading and filling? How much in open ditches? How much in tile drainage? What advantages do the people have from the work on the roads? What proportion of the work has proved of no advantage? Has any way been devised to make good roads in Iowa? What are the most economical tools for road work?



Fig. 1.



Fig. 2.

Who are the health officers of the locality? Do you know of any work done by the health officers? Are there things to which the attention of the health officers should be directed?

In like manner there may be special studies of the care for the poor, cases at law, the valuation of property, etc. Pupils may be detailed to prepare a history of the township, its organization into road districts,

and into school districts, noting the various changes and the reasons for the same; troubles growing out of the location of school-houses, and how they were adjusted; and difficulties in the location of roads, and how they were overcome.

In towns and cities a multitude of special topics will suggest themselves, by the careful observation and study of which, we may make it more likely that in the end we shall master that most difficult of subjects, the government of cities. To have good government in cities under the forms of popular government, the voters must have a knowledge of the real difficulties to be overcome. The schools in towns and cities should begin this work; they should cultivate a habit of observation of the working of city government; they should produce a class of citizens so familiar with its intricate machinery that they cannot be easily deceived; who can readily distinguish faithful and efficient service from the unfaithful and inefficient.

APPENDIX.

OUTLINE OF STATE GOVERNMENT.

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TOWNSHIP GOVERNMENT.

	OFFICERS.	NUMBER.	DUTIES.
1	SCHOOL OFFICERS.	3 or more.	Hire teachers. Build and repair school houses. Decide amount of funds for school purposes to be raised.
2	ROAD SUPERVISORS	One for each Road Dist.	Collect road taxes. Repair roads, and require able-bodied citizens to labor on the highway.
3	TRUSTEES.	3	Hold elections. Care for poor. Equalize assessments. Divide the Township into road districts. Determine the amount of road tax, and act as Fence Viewers.
4	CLERK.	1	Keeps records of Board of Trustees. Has charge of money and property of Township, and acts as Clerk of Elections.
5	ASSESSOR.	1	Assesses all taxable property in Township, not included in Incorporated Town or City.
6	JUSTICE OF PEACE.	2 or more.	Acts as Peace Officer, and as Judge in minor cases, civil and criminal. Holds preliminary examinations in cases of more serious crime.
7	CONSTABLE.	2 or more.	Ministerial officer of Justice's Court.

GOVERNMENT OF INCORPORATED TOWN.

	OFFICERS.	NUMBER.	DUTIES.
1	MAYOR.	1	Presides at meetings of Town Council. Sits as a court to enforce town ordinances.
2	RECORDER.	1	Clerk of Council. Signs orders on Treasurer for payment of money, as directed by the Council.
3	TRUSTEES. (With Mayor & Recorder forming the City Council.)	6	Make all laws or ordinances for government of town. Have charge of streets and sidewalks. Act as Board of Health for the town, and as a Board to equalize Assessments in the town.
4	TREASURER.	1	Keeps all money of the town, and pays out money on orders signed by the Recorder.
5	MARSHAL.	1	Ministerial officer of Town Government. Executes orders of Mayor.
6	ASSESSOR.	1	Assesses the taxable property within the town.

COUNTY GOVERNMENT.

	OFFICERS.	NUMBER.	DUTIES.
1	SUPERVISORS.	3 to 7.	Levy taxes. Examine and allow claims against the County. Have charge of all County property. Locate roads and build bridges. Have oversight of County officers. Canvass election returns. Equalize assessments between Townships.
2	AUDITOR.	1	Clerk of Board of Supervisors. Keeps records of money due County and money paid out by County. Issues orders upon Treasurer for payment of money. Has charge of school fund.
3	TREASURER.	1	Collects all taxes. Pays out money on orders signed by Auditor.
4	RECORDER.	1	Records all deeds, mortgages, etc.
5	SURVEYOR.	1	Surveys real estate.
6	SHERIFF.	1	Ministerial officer of District and Circuit Courts. Has care of prisoners.
7	CORONER.	1	Holds inquests. Acts as Sheriff.
8	CLERK.	1	Keeps records of District and Circuit Courts. Appoints administrators and guardians. Keeps records of marriages, births, and deaths.
9	SUPERINTENDENT.	1	Examines teachers. Superintends schools in County. Hears cases of appeal from school boards.

COURTS OF RECORD HELD IN THE COUNTY.

C I R C U I T C O U R T .

	OFFICERS.	NUMBER.	DUTIES.
1	CIRCUIT JUDGE.	1	Has exclusive jurisdiction in all matters of probate of wills, administration of estates, and matters of guardianship; and of appeal in civil cases from inferior courts. Has general jurisdiction in all other cases, except criminal cases.
2	CLERK.	1	Records all proceedings of the Court, and issues all executions and writs.
3	SHERIFF.	1	Executes all orders of the Court, issued by the Clerk, and serves all writs.
4	PETIT JURY.	12	Hears evidence, and decides questions of fact between litigants.

DISTRICT COURT.

	OFFICERS.	NUMBER.	DUTIES.
1	DISTRICT JUDGE.	1	Has exclusive jurisdiction of criminal cases presented by the Grand Jury, and of all appeals of criminal cases from inferior courts. Has general jurisdiction of all other cases, except those given to Circuit Court.
2	DIST. ATTORNEY.	1	Acts as Attorney in prosecution of criminals.
3	GRAND JURY.	15	Investigates crimes. Finds indictments against criminals.
4	CLERK.		Same duties as in Circuit Court.
5	SHERIFF.		
6	PETIT JURY.		

STATE GOVERNMENT.

LEGISLATIVE DEPARTMENT.

	OFFICERS.	NUMBER.	DUTIES.
1	SENATE.	50	Make Laws. (The Senate and House of Representatives constitute the General Assembly.)
2	HOUSE.	100	

EXECUTIVE DEPARTMENT.

1	GOVERNOR.	1	Recommends legislation. Signs or vetoes bills passed by Legislature. Supervises State institutions. Grants pardons and reprieves. Makes appointments to office.
2	LIEUT.-GOVERNOR	1	Presides over Senate. Becomes Governor in case of vacancy in that office.
3	SECRETARY OF STATE.	1	Has charge of all records of laws, constitutions, and other State papers deposited in his office. Signs and registers all commissions issued by Governor. Reports to General Assembly criminal returns from District Courts. Keeps record of acts of incorporation of cities and towns.
4	AUDITOR.	1	Keeps all accounts of money due the State, and paid out by the State. Issues orders to Treasurer for payment of money. Has supervision of Insurance Companies and Savings Banks.

STATE GOVERNMENT.—*Executive Dep't Continued.*

	OFFICERS.	NUMBER.	DUTIES.
5	TREASURER.	1	Keeps the money of the State, and pays it out, as ordered by Auditor.
6	REGISTER OF LAND OFFICE.	1	Keeps record of land owned by the State. (The duties of this office will be performed by the Secretary of State after March, 1883.)
7	SUPERINTENDENT OF PUBLIC INSTRUCTION.	1	Has supervision of Public Schools. Collects educational information, and reports to the General Assembly. Hears cases of appeal from County Superintendents.

JUDICIAL DEPARTMENT.

1	JUDGES OF SUPREME COURT.	5	Highest Court in the State. Hears cases appealed from lower Courts.
2	CLERK.	1	Keeps records of all proceedings of the Court.
3	ATTORNEY GENERAL.	1	Appears on behalf of the State in Supreme Court. Gives legal advice to State officers.
4	REPORTER.	1	Prepares for publication the decisions of Supreme Court.

OBJECTS OF GOVERNMENT.

I. Protection. { *Person.*
 Property.

II. Care of Unfortunate. { *Poor.*
 Insane.
 Blind.
 Deaf and Dumb.
 Juvenile Criminals.

III. Education. { *Common Schools.*
 Normal Schools.
 Industrial Schools.
 Universities.
 Military Schools.

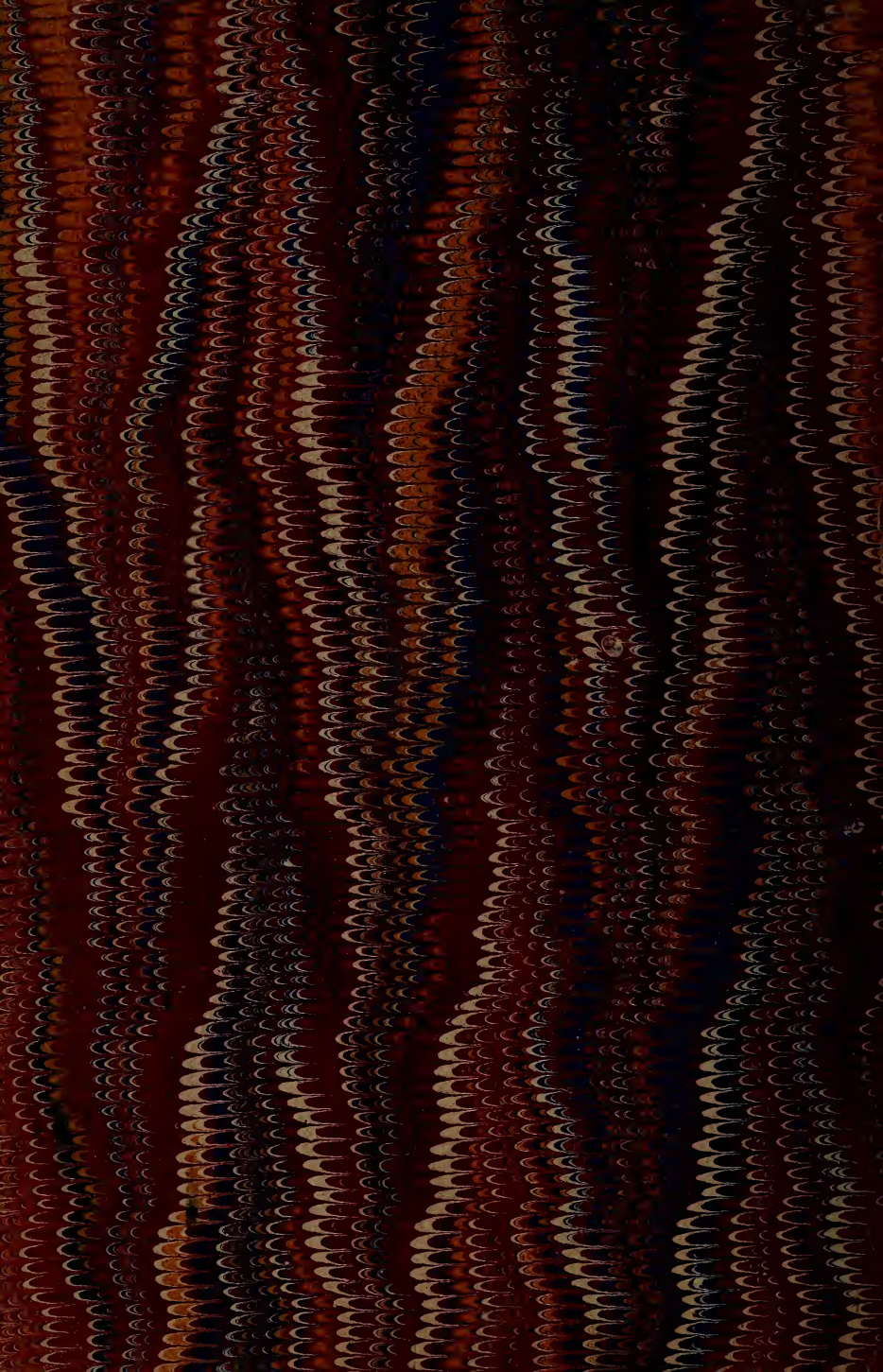
IV. Public Improvement { *Streets and Highways.*
 Railroads, Canals, Rivers &
 Drainage. [*Harbors.*]
 Public Buildings.
 Postal Service.
 Coining Money.

and
General Welfare.

SUPPORT OF GOVERNMENT.

I. TAXATION.

II. PERSONAL SERVICE.





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